

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th March, 2003

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

MEASURES TO ELIMINATE *MUNGIKI* MENACE

Maj. Madoka: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) How many people were killed by *Mungiki* in January, 2003?
- (b) How many *Mungiki* followers have been killed, arrested and prosecuted to date?
- (c) What steps is the Government taking to eliminate this menace?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I beg to reply.

- (a) There were 14 civilians and two police officers killed by *Mungiki* in January, 2003.
- (b) Two *Mungiki* followers have been killed, and a total of 1,799 have been arrested and prosecuted.
- (c) There are major security operations and standing strategies in place to eliminate the menace. An amnesty was extended to the members of the sect to surrender to the authorities.

Maj. Madoka: Mr. Speaker, Sir, I thank the Assistant Minister for his answer, but Kenyans are greatly disturbed by the activities of *Mungiki*. At the moment, it would appear that *Mungiki* is only operating in certain parts of Rift Valley and Central Provinces. But we believe that this sect has various groups throughout the country. Can the Assistant Minister tell us in which other parts of the country this group is operating?

Mr. Tarus: Mr. Speaker, Sir, the cases of *Mungiki* have only been reported in Nairobi and Nakuru.

Maj. Madoka: On a point of order, Mr. Speaker, Sir.

I do not think the Assistant Minister has answered the question. He only says that the cases of *Mungiki* have been reported in Nakuru and Nairobi, but we know that they are even in Murang'a in Central Province.

Mr. Speaker: I do not know whether he knows where the headquarters is!

(A mobile phone rang in the Chamber)

Order! Order! Where is that mobile phone ringing from?

Hon. Members: Maj. Madoka!

(Laughter)

(Mr. Kimeto stood up in his place)

Mr. Speaker: Are you the one? I am afraid, that is disorderly conduct. You will leave the Chamber for the balance of the day.

Mr. Kimeto: I am sorry, Mr. Speaker, Sir.

Mr. Speaker: Thank you for the apology.

(Several hon. Members stood up in their places)

Order! Order! You must now leave!

(Mr. Kimeto withdrew from the Chamber)

All other hon. Members should stand warned that the Chair will be very firm against disturbance of this House by a gadget, otherwise known as mobile phone, however else described.

(Several hon. Members stood up in their places)

Order! Order! I give every hon. Member now 30 seconds to switch off his mobile phone.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. You remember this Parliament spent money to buy gadgets which were supposed to immobilise all our mobile phones, if we forgot to switch them off. Can you tell us why these gadgets are not working and yet Parliament spent money to buy them?

(Laughter)

Mr. Speaker: Order! Order! I am glad you have raised that issue because I too have been bothered by that issue. If you notice, we have also done the same in the Old Chamber in anticipation, which is actually real, that very soon we will move there to conduct our business when this Chamber will undergo major re-alignment and renovation to make it possible for us to televise and broadcast live our proceedings. But I did ask that question. We did actually test the gadget at the Old Chambers, but found that it could only immobilise Safaricom and not Kencell. I asked why and I was told, "Well, it is also *bwogable*, but at some price". I was informed that to be able to immobilise Kencell, we need a stronger gadget, which, unfortunately, will also affect pacesetters. That is a deadly thing to do. Therefore, faced with that problem, I am still looking at all possible possibilities of immobilising each and every mobile phone. For that reason, therefore, I am unable to immobilise them for now. Therefore, I request all hon. Members and demand from the strangers; that you do switch off your mobile phones before you enter the Chamber. So, I hope, Mr. Wanjala, you do understand.

Mr. Angwenyi: Mr. Speaker, Sir--

Mr. Speaker: Order! Order! Mr. Angwenyi, you just do not stand there and say "Mr. Speaker." I must see you!

(Laughter)

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. The hon. Kimeto owned up that he is the one whose mobile rang. You know forgiveness and mercy derives from God. I thought you would have forgiven him for owning up and given him a chance to stay in the House as a warning to others.

Mr. Speaker: Well, you know that all hon. Members are my friends, and my mercy is unlimited. But for the good of the House, occasionally I do forget little mercies. So, for the good of this House I will not exercise my unlimited reservoirs of mercy. So, please, keep the mobile phones dead.

Proceed, Mr. Tarus!

Mr. Tarus: Mr. Speaker, Sir, I said that, the *Mungiki* sect's activities have been reported in Nairobi and Nakuru. The hon. Member had intimated that they exist in Murang'a and other areas. I think it is in the interest of every hon. Member that, since *Mungiki* is a banned sect, anyone who has information of their whereabouts should report to the police so that the necessary steps can be taken to arrest them.

Mr. M. Kariuki: Mr. Speaker, Sir, the Assistant Minister has informed us that only 14 people died in January yet in Nakuru alone, it is public information that 23 people died. There were also other areas in the country that were affected. Besides the 14 people, could he give us the breakdown of how many people were killed in Nakuru by the *Mungiki* sect in January?

Secondly, the reason why people died in Nakuru is because the police were not mobile; they did not have vehicles to move to the troubled areas. The *Mungiki* sect members had Land Rovers while the police did not have any. What is the Assistant Minister doing to ensure that the police can respond to an emergency as quickly as possible?

Mr. Tarus: Mr. Speaker, Sir, the breakdown of the number of the *Mungiki* sect members who were killed is as follows: One was from Nakuru and the other one was from Nairobi. Just as the NARC Government holds in its policy, their first programme in reorganization of the security system in this country is to reform, retrain and equip the police. I would like to inform the hon. Member that the Government is taking this effort seriously and the matter will be addressed.

Mr. M. Kariuki: On a point of order, Mr. Speaker, Sir. My question has not been answered. I wanted to

know how many people in Nakuru were killed by the *Mungiki* sect members and how many *Mungiki* sect members were killed. The Assistant Minister has said that only one *Mungiki* sect member was killed, but how many civilians were killed by the *Mungiki* sect members?

Mr. Tarus: Mr. Speaker, Sir, I do not have the breakdown, but I can provide that information later. I beg the indulgence of the House to provide that information later on.

Mr. Speaker: Do you want time to get more information?

Mr. Tarus: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! I will defer the Question! Please, try to find out everywhere where the *Mungiki* sect members exist.

(Question deferred)

The Minister for Co-operative Development (Mr. Ndwiga): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mr. Tarus, would you like to be informed publicly by your colleague?

Mr. Tarus: Yes, Mr. Speaker, Sir.

The Minister for Co-operative Development (Mr. Ndwiga): Mr. Speaker, Sir, I would like to inform the Assistant Minister that if indeed he wants to know about the *Mungiki* sect, he should get more information from the hon. Questioner. He was actually in charge of that Ministry, and it was a Government outfit. That is why the *Mungiki* sect members had Land Rovers while the police did not have them. The Assistant [**The Minister for Co-operative Development** Minister should get in touch with the hon. Questioner.

(Applause)

Dr. Godana: On a point of order, Mr. Speaker, Sir. Under what Standing Order is the hon. Minister asking a question?

Mr. Speaker: Order! Two things arise; if the Minister would like to inform his colleague, they should have a way of communicating. But much more important in my view, it is not an escape route that those who are in Government now, will escape the Government responsibility to the Opposition. Mr. Tarus is now in charge of the security of Kenyans and we are talking about the activities of the *Mungiki* sect in January 2003 when you were in the Government. So you cannot run away.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. The Assistant Minister should go and find out exactly those who were involved in those activities, including the police, military intelligence, the National Security Intelligence Service, the CID and many others. It has also been claimed that some Cabinet Ministers were involved. So, I would like him to come back to the House and clarify who exactly these people are.

Mr. Speaker: Well, I think the Assistant Minister has heard. The House and the country are waiting for that information with bated breath.

Next Question!

Mr. Angwenyi: When will he come back with the answer?

Mr. Speaker: It will be answered next week.

MEASURES TO CURB INSECURITY ON
NAIROBI-ADDIS ABABA ROAD

Mr. Sasura: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) How many people have been injured or killed on the A2 Road (Nairobi-Addis Ababa) in the section between Merille in Marsabit and Serolevi in Samburu districts by bandits since the year 2001 to date?

(b) Is the Minister aware that there are police posts in Merille and Serolevi centres without sufficient facilities to deal with bandits?

(c) What urgent measures is the Minister taking to solve the insecurity problems in the said sections?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I beg to reply.

(a) From 2001 to date, two injuries were reported and no deaths.

(b) Yes, I am aware, however, that the two police posts are always assisted from Wamba and Marsabit police stations. A motor vehicle will be allocated to the posts when more vehicles are acquired.

(c) A new Land Rovers stationed at Wamba is currently being used for patrolling the area. All motor vehicles operating between Isiolo and Marsabit are escorted by police in convoys through the section.

Mr. Sasura: Mr. Speaker, Sir, we are talking about the life of Kenyans here, and I think the Assistant Minister is not serious at all. He is telling us that from 2001 to date, there were only two injuries. One of the casualties along the A2 Road is an Administration Police corporal who was killed in 2001 and his gun stolen. The Assistant Minister does not seem to be aware of that. However, the issue of the former or the latter Government is neither here nor there. Could the Assistant Minister consider--- This has become a very notorious area where we are not able to travel. Even our lorries are not able to traverse the place. The security he is talking about is not there. It is only last night that---

Mr. Speaker: Are you debating now?

Mr. Sasura: Mr. Speaker, Sir, I am not debating; it is the gravity of the matter. It is only last night that one Mr. Hirbo Walde was killed at 9.30 p.m. in Marsabit and yet, this Government does not seem to be aware. Now, could the Assistant Minister consider carrying out a security operation in that area the way they did to the *Mungiki* sect members? We do not want to be escorted. We want to be protected from these people.

Mr. Tarus: Mr. Speaker, Sir, as I said earlier, the NARC Government is taking the issue of the security of Kenyans very seriously. As regards the problems that were experienced by politicians which included lack of equipment and vehicles, the Government is making every effort to ensure that every police station shall have enough vehicles to enable them perform their duties effectively. I did say that already a Land Rover is stationed at Wamba to patrol the area. For the time being as the Government organises the training and equipping of the police force, the provision of police escorts for motor vehicles operating within that region shall continue.

Dr. Godana: Mr. Speaker, Sir, I regret to say that the Assistant Minister is not serious. Kenyans, and in particular the people of Marsabit, will hear that the Minister said that only two people were injured. In January this year alone, three university students returning to college were shot and one of them has been amputated. All these are young people in their early twenties. In mid-last year the warden of Marsabit National Park and two of his *askaris* were injured badly and had to be flown to Nairobi for treatment. There have been deaths on this road. Would I be in order to ask that the hon. Member takes the Question more seriously and goes back to bring a better answer? It will be terrible if people in Marsabit were to hear today that the Government knows only two people were injured. The three university students stayed in Chogoria Mission Hospital and we are now raising the hospital fees, including for the one who was amputated.

Mr. Tarus: Mr. Speaker, Sir, I think it is also important that when incidents of that kind occur, they should be reported---

Mr. Sasura: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us to be reporting these incidents when we have been elected to speak on behalf of our people and we are telling him the facts? Does he want us to be policemen? What does he want us to do? This Assistant Minister is not serious.

Mr. Tarus: Mr. Speaker, Sir, I did say that there is nothing wrong in reporting these cases. I also said that the Government is fully committed to reforming, re-organising and equipping the police force to be able to handle some of these sensitive areas.

Dr. Galgalo: Mr. Speaker, Sir, as much as we want to take this Assistant Minister seriously, I think he is taking this House and the country for a ride. This area of Merille has become notorious in that there are groups of heavily-armed bandits ranging from 50 to 60 in more or less well established camps in known locations, and security officers will not dare go there. We are asking the Assistant Minister to deploy the military in that section and get these people out. It is not a matter of giving falsehoods in this House; saying only one or two people were injured. If such an incident had occurred in other parts of this country, like an attempted bank robbery, the police would have moved in. The Assistant Minister is talking of vehicles to be made available later and we know that police now have four-wheel drive vehicles roaming around, doing nothing in most parts of this country. Can he go back and consult his Minister and come back with a better answer to this House? He is taking us for a ride.

Mr. Speaker: Mr. Assistant Minister, would you like more time?

Mr. Tarus: Mr. Speaker, Sir, let me inform the hon. Member that the NARC Government is taking security matters seriously.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. This Assistant Minister is giving us *mitumba* answers.

Mr. Speaker: Order! Mr. Angwenyi, you are setting a very bad trend. The Chair will not accept insulting or derogatory use of language against hon. Members. You may not like what the Assistant Minister is

saying, and you are justified not to like it, but you must disagree in a civil language. You must now apologise to this Assistant Minister and to the House.

Mr. Angwenyi: Mr. Speaker, Sir, I want to apologise for making the remark "recycled answers". Could the Assistant Minister undertake a *Mungiki* type of operation on that section of the road so that these people can be free to travel on that stretch? The Assistant Minister has been going round telling us things we used to hear in the previous regime. That is why I was calling it a *mitumba* answer; because it is old.

(Laughter)

Mr. Speaker: Order! Before you react, Mr. Tarus, I am reminded of a contribution I heard this morning from Mr. Wamwere. Is he here? Even if he is not here, I heard him say this morning that Question Time in Parliament is not a contest between the Minister and the MP. The Questions are brought here to redress grievances of Kenyans and I could not agree more with Mr. Wamwere. I think that is the whole point of Questions by Members to the Government. The aim is to seek redress; it is not a contest. So, could we proceed in that spirit in the whole of this Parliament; that we are seeking redress to the Kenyan people on the problems facing them? If you do not have the answer ready, the Chair is more than prepared to give you leeway; particularly when you are a new Minister. I understand you are learning the ropes and we will help you to get the grips of it. So, what is your reaction, Mr. Assistant Minister?

Mr. Tarus: Mr. Speaker, Sir, I just want to assure the House that the Government will make every effort to address the problem.

Mr. Rotino: Mr. Speaker, Sir, this is a very serious Question because we also have problems of the same nature in our area. The Assistant Minister has been asked a specific question, to give a serious undertaking that the Government will flush out those bandits. The hon. Member has even mentioned that the residents know the areas where these bandits stay. The Assistant Minister should bring a serious answer next time rather than going round and round. This is a very serious issue. Let him give an undertaking.

Mr. Tarus: Mr. Speaker, Sir, the Government will mobilise the necessary resources to address the problem. We do appreciate that this is a national problem because it covers many parts of the country and a more comprehensive approach is needed. I want to assure this House that the Government will make every effort to ensure that Kenyans are protected wherever they are.

Mr. Billow: Mr. Speaker, Sir, it would appear that, and from my knowledge of North Eastern Province, insecurity is a very lucrative industry for the Provincial Administration. Most likely the armed militias that my colleague talked about are the ones who finance the Provincial and District Security Committees. These are the people who are aware of all the militia groups in those areas and most of the time they do not take action. May I ask the Assistant Minister to seek the services of one Mohammed Saleh who was the former PC of North Eastern Province who had set a precedence in wiping out insecurity along some of those highways in North Eastern Province?

Mr. Tarus: Mr. Speaker, Sir, I appreciate the information given by the hon. Member. The Government will do exactly that.

Mr. Sasura: Mr. Speaker, Sir, I am really surprised that this "unbwogable" NARC Government cannot effectively deal with the bandits. Wamba is 200 kilometres from the road. The Assistant Minister said that, in order to deal with this problem, they have provided one Land Rover to patrol the A2 Road. Is he satisfied that this measure is enough to protect 50,000 lives? Is it that our lives are subordinate in the eyes of this Government?

Mr. Tarus: Mr. Speaker, Sir, as I said, the Government has sent a Land Rover, and that we will mobilise the necessary resources to ensure that the police are able to handle the problem.

Mr. Speaker: Very well. I think we shall finish with that. It is a very serious issue, but nevertheless, let us move on to the next Question.

*(Mr. Ogur stood up in his place
to ask his Question)*

(Laughter)

Mr. Sasura: On a point of order, Mr. Speaker, Sir. This morning, I humbly requested the Chair to provide a corridor for the short hon. Members because Mr. Ogur cannot handle the microphone unless he looks

up. This is very unfair.

Mr. Speaker: Order! As I said, we are soon moving to the old Chamber which has a better communication system. I know we will be crowded, but that will enable us to address all the problems of this Chamber. In the meantime, Mr. Ogur, please, try the best you can to communicate.

IMPRISONMENT OF KENYAN FISHERMEN IN TANZANIA

Mr. Ogur: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that 85 Kenyan fishermen of Muhuru Bay in Nyatike were arrested on 16th January, 2003 and are serving prison sentences in Tarime and Musoma prisons in Tanzania?

(b) What prompted the arrests of these traders and what action has the Minister taken to have them released?

(c) Could he also make arrangements for the release of 47 boats and 18 out-board engines which were confiscated together with several fishing nets and return them to their rightful owners?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The Kenyan fishermen were arrested for trespass and illegal fishing in Tanzanian waters. However, Migori District and Nyanza Provincial Security Committees have made a number of visits to Tanzania to negotiate the release of the fishermen.

(c) Since the negotiations were not very fruitful, Kenya has sought diplomatic intervention through the Ministry of Foreign Affairs for an amicable resolution of the matter.

Mr. Ogur: Mr. Speaker, Sir, how was it possible to know the boundary which separates our water and Tanzanian water? There is no physical boundary to prove that our people crossed it.

Mr. Tarus: Mr. Deputy Speaker, Sir, I do appreciate what the hon. Member has said with regard to the boundary. But, as I said, the matter is being addressed by the Ministry of Foreign Affairs. It will be necessary for the two countries to consider a better option regarding the issue of fishermen in Lake Victoria. This issue of fishermen being arrested has become common. It would be easier if it is dealt with by the three East African countries.

Mr. Wetangula: Mr. Speaker, Sir, the issue of Kenyan fishermen being molested on Lake Victoria is almost a daily occurrence. Kenya, Uganda and Tanzania are members of the East African Community. Do we have any protocol under the Community on the use of lake waters and resources? If we do, what is the Assistant Minister doing to ensure that the protocol is enforced?

Mr. Tarus: Mr. Speaker, Sir, that is why we have involved the Ministry of Foreign Affairs.

Mr. Kajwang: This is a fish matter.

Mr. Speaker: Order! Mr. Kajwang, what is a fish matter?

Mr. Kajwang: Mr. Speaker, Sir, this is a fish matter because my constituency covers several islands in the lake. My constituents are fishermen and they also suffer the same problem from Ugandan authorities. It would seem that the Ugandan and Tanzania soldiers supervise the lake on a daily basis.

They are very well equipped with guns and very fast moving boats. Kenya has no similar arrangements. Those soldiers cross from Tanzania and Uganda. They even come to our islands and arrest our fishermen. They take them to Uganda and Tanzania. They fine and jail them. What is the Government doing to protect Lake Victoria so that the Kenyan fishermen can also feel safe in their part of the lake? When will they fix the border so that we see where we should not cross?

Mr. Tarus: Mr. Speaker, Sir, the issue affecting our fishermen is being addressed. We will ensure that there are adequate security patrols of the waters. Secondly, our fishermen are being sensitized on the importance of obtaining licences. Thirdly, on the issue of the boundary, there is a scheduled meeting of the directors of survey and mapping of the three East African countries to inspect the actual boundary in order to assist our people in future.

Mr. Haji: Mr. Speaker, Sir, last week we addressed the same issue. The hon. Assistant Minister admits here that our fishermen crossed the boundary. However, the people who live around Lake Victoria say that there is no physical boundary. Could the Assistant Minister make sure that this kind of thing does not happen again?

Mr. Tarus: Mr. Speaker, Sir, we will do exactly that.

Mr. Sungu: Mr. Speaker, Sir, this is a very important matter to us fishermen.

(Loud consultations)

Mr. Speaker: Order! These issues affect ordinary Kenyans and that is why I am very alert today. I am giving it a lot of time because it involves the security of the Kenyan people. So could we hear, Mr. Sungu.

Mr. Sungu: Mr. Speaker, Sir, we all know that 90 per cent of the fish in Lake Victoria are from Kenya; they are bred in Kenyan waters. The Assistant Minister should take this matter very seriously. It appears as if the Government is admitting that the East African Co-operation Treaty has been abrogated. The Government is not willing to protect Kenyans. There should be a common policy regarding fisheries in Lake Victoria, because we cannot determine where the boundaries are in the lake. Could the Assistant now confirm whether the East African Co-operation Treaty has been abrogated or not? If not, under the Treaty, what steps is the Government taking to ensure that Kenyans are not molested by Ugandan or Tanzanian security forces?

Mr. Tarus: Mr. Speaker, Sir, I informed the House that the Government is taking the issue of the security of Kenyans very seriously. I have said before that the Government is mobilising resources---

An hon. Member: Is the Government mobilising Land Rovers?

Mr. Tarus: Not Land Rovers!

(Laughter)

The Government is mobilising the necessary resources to address the problem. As I said, even the issue of boundaries in Lake Victoria waters is currently being addressed.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Some Kenyans have been jailed in Tanzania for the last two months. Is the Assistant Minister in order to mislead the House that the Government is concerned about the welfare of Kenyans who fish in Lake Victoria when it has left our people to languish in Tanzanian jails for the last two months?

Mr. Tarus: Mr. Speaker, Sir, I would like to inform the House that the Government's effort to facilitate the release of Kenyans who have been jailed in Tanzania were frustrated by the admission of guilt by the people who were arrested. That is why the matter has taken a diplomatic course. The Ministry of Foreign Affairs has taken up the matter and the problem will be sorted out.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. Before I raise my point of order, I have a question which I would like to put to the Assistant Minister.

Mr. Speaker: Mr. Wanjala, you cannot have both. So, are you raising the point of order or asking the question?

Mr. Wanjala: Mr. Speaker, Sir, I will ask the question.

Mr. Omingo: On a point of order, Mr. Speaker, Sir. Is Mr. Wanjala justified to mislead the Chair by rising on a point of order and then stealing the chance to ask a question?

Mr. Speaker: Order! Order! Hon. Members do not steal a chance.

Hon. Members: They rig!

Mr. Speaker: I do not even know whether they rig, but I know that they commandeer, which is wrong. So, Mr. Wanjala, do not commandeer again.

(Laughter)

Mr. Wanjala: Mr. Speaker, Sir, the issue of insecurity in Lake Victoria has been in existence for a long time. It was first neglected by the previous regime. During the electioneering period, the National Rainbow Coalition (NARC) promised the people that if it formed the next Government, it would ensure that fishermen were protected. Our **[Mr. Wanjala]**

fishermen are now being tortured. On being arrested by security officers from our neighbouring countries, our fishermen are asked: "What made you come to fish in Lake Victoria?" When they reply that it is their stomachs which make them to go fishing, they are whipped on the stomach. So, they are forced to plead guilty. Could the Assistant Minister, therefore, ensure that international maritime laws are applied in Lake Victoria so that, beyond 20 kilometres from the shore, the lake becomes international waters, so that everybody can be entitled to fish? Also, instead of the Kenya Navy patrolling the Kenyan waters of the Indian Ocean only, they should also be deployed in Lake Victoria. Could he tell us how much money has been allocated for security patrols in Lake Victoria?

Mr. Tarus: Mr. Speaker, Sir, these are sensitive issues which the Ministry of Foreign Affairs is going to address.

Mr. Speaker: Very well. Hon. Members, let us end Question Time.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Mr. Wanjala has said that it seems as if the previous regime neglected the security of Kenyans. I want to say that all the regimes in Kenya have been neglecting the security of Kenyans. All our neighbouring countries have been harassing Kenyans. Time and again, Kenyans are killed by armed bandits from neighbouring countries. Even Tanzania and Uganda are now arresting and jailing our fellow countrymen. Why is the Government allowing foreign security forces to harass our people from all the corners of this country? Is the Government serious about maintaining the security of this country? Harassment of our people takes place every day, from all corners of the country. There must be something wrong with our security apparatus!

Mr. Tarus: Mr. Speaker, Sir, that is why Kenyans have elected the NARC Government. We will do--

Dr. Ali: On a point of order, Mr. Speaker, Sir. Our fishermen in Lake Victoria are suffering. Let us forget about other border areas which are porous. Lake Victoria cannot be porous.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Mr. Assistant Minister, now that Kenyans have elected the NARC Government, in which you are a member, what have you done now to ensure that Kenyans are not harassed any more, as Mr. Wanjala complained?

Mr. Tarus: Mr. Speaker, Sir, the NARC Government is boosting security in Lake Victoria and equipping our security personnel. Further, the Ministry of Foreign Affairs is currently handling the situation on the diplomatic front, so that the matter can be put to rest.

Dr. Godana: Mr. Speaker, Sir, we know that fishing is a hunting and gathering industry. As fish move from one part of the lake to another, fishermen, like hunters, have to follow it. We also know that the fish breeding grounds in Lake Victoria are on the Kenyan side, which is the smallest portion of the lake. Could the Assistant Minister not consider it proper that, indeed, it would be in Kenya's interest to fight for a regime which will ensure that Lake Victoria, for purposes of fishing, is managed as one common resource, with appropriate quotas of fish catch and fishermen laid out for the three countries? It looks as if we have the most developed fishing industry; we have more fishermen, and yet we have the smallest portion of the lake. It will, indeed, not help us to insist on boundaries. It is in our interest for the Government to say: "Let us manage the lake as a common resource without referring to individual country boundaries."

Mr. Tarus: Mr. Speaker, Sir, that is exactly what is being considered by the Ministry of Foreign Affairs.

Mr. Sungu: Mr. Speaker, Sir, it appears as if all the answers we are getting from the Assistant Minister have to do with the Ministry of Foreign Affairs. May I, therefore, ask that this Question be transferred to the Ministry of Foreign Affairs because this Assistant Minister is not able to answer it?

Mr. Tarus: Mr. Speaker, Sir, I said that, considering the level the matter has reached, which includes the arrest, prosecution and sentencing of Kenyans by Tanzanian authorities, and the need to facilitate their release, we thought it appropriate for the matter to be taken over by the Ministry of Foreign Affairs. That does not necessarily mean that the Government is not taking seriously the security of Kenyan fishermen in Lake Victoria.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! Even in the last Parliament, those things were going on. I think it is a serious matter. I have already approved about five Questions by Private Notice, to come before the House from different Members about harassment and arrest of Kenyan fishermen. So, it is a serious issue. I think we have given it much latitude and the Assistant Minister has tried his best. He is still learning and we must encourage him. Let us not hit him so hard that he is demoralised.

Mr. Ogur: Mr. Speaker, Sir, the Assistant Minister did not mention the discussions going on between his Ministry, that of Foreign Affairs, Tanzanians and Ugandans. He did not talk about it! It is like he does not know about it all. That, therefore, shows he is not prepared to tell us the truth about that matter. Police from Uganda and Tanzania cannot walk on water without being seen and yet, they see our people and arrest them; but our people cannot see them! They cannot do that! Therefore, once they are arrested and taken to Tanzania to be imprisoned there, who followed them as they were taken to a foreign country? Which arm of the security forces was chasing after them? It means there were no policemen from our side to protect our people. Did anyone try to follow and protect our people as they were being taken away to be jailed?

Mr. Tarus: Mr. Speaker, Sir, I must say that Kenyans were ambushed and, as I said, the Government is following up the matter.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. We are talking about the lives of Kenyans who provide food for their families that are at home in Kenya. The fishermen who were arrested numbered 85, and their fishing gear and boats were also impounded. Their families are now languishing in hunger in Kenya. It has taken the Government three months and it has not even provided the people who are at home with food!

Could the President take the Assistant Minister for an in-service course, so that he can learn how Kenyans are suffering out there in the lake?

Mr. Speaker: Order, hon. Members! Just a while ago, I did make a comment quoting Mr. Wamwere; that this is not a contest when lives of Kenyans are at stake. I think the Assistant Minister can feel the mood of the House, particularly from those Members who have experienced insecurity in the lake and in bandit-prone northern Kenya. It is a real problem. So, I think the Assistant Minister has done his best for today. I will encourage him rather than discourage him. Please, take into account the sentiments of your colleagues from both sides of the House. Maybe, you should prod more, go beyond the answers that you get from the administrators; ask yourself the various questions and ask them those various questions. Let us help him; let us not discourage him. I think that is enough for today.

Next Order!

POINTS OF ORDER

INSECURITY IN TURKANA DISTRICT

Mr. Ethuro: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, concerning the state of insecurity in Turkana District. The House will recall that only in today's newspapers, it was reported that two people have been killed in Lokichoggio. Only last week, highway banditry was very common and robbers had the intention of killing. Apparently, two weeks ago, we lost an investor who had come to the district. Somebody just jumped on the road and shot at his vehicle without stopping it. It shows that we are getting worried. During the month of December, there was a lot of political violence in my constituency. We were wondering whether the *Mungiki* people were involved. Therefore, I am asking the Minister to issue a statement detailing, in clear terms, the state of insecurity and what urgent steps he is taking to ensure that we are secure. You will appreciate that the House has spent the better part of this afternoon talking about insecurity. It is such a grave matter.

Mr. Speaker: Very well. Mr. Minister, you had better look at it. It is in the same way that Mr. Sasura was concerned; highway robberies and bandits along all the routes to northern Kenya. They are also known as the "northern" *Mungiki*. So, could you look for those *Mungikis* from the north, deal with them and come to this House and tell us what you need to deal with them? When would you like to come?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, we can provide the Statement on Tuesday, next week.

DECORUM IN THE HOUSE

Dr. Oburu: Mr. Speaker, Sir, I rise to raise a point of order on the question of decorum in the House. I am getting confused as to which is called national dress. It appears that the old Members are misleading the new Members. They are coming into the Chamber while dressed in a very casual manner and, therefore, I can see new Members coming in dressed in a casual manner, under the guise that we are following the rule of national dress.

Mr. Speaker: Who are you referring to?

Dr. Oburu: I am referring to my friend next to me, who is dressed in a Mao Tse-Tung suit with a khaki trouser, and I do not know whether that is a national dress!

(Laughter)

Mr. Speaker: Who is that?

Hon. Members: It is Mr. Munya! Could he stand?

(Mr. Munya stood up in his place)

Mr. Speaker: Order, hon. Members! Who is that Member who is not even responding to order? Who are you? Mr. Munya! Mr. Munya is an advocate and he knows, or ought to know anyway, what is a formal dress. I am sure Mr. Munya will never step in the High Court dressed the way he is! Maybe, he should tell this House whether he has more respect for the High Court and less for Parliament!

But, as it does---

(Mr. Munya stood up in his place)

Order! You had better freeze! First of all, I would like to say the following: That there is, indeed, no national dress known to the Chair, so far established and agreed on. Tradition and the rules of the House have it that all hon. gentlemen should wear a jacket, a shirt, a tie, long trousers, socks and shoes! The ladies should wear dresses. But I did dispense the other day that they can actually come in smart suits with trousers because that is the trend in Kenya today. Therefore, this House must follow that trend. I urge hon. Members to keep this House dignified and formal. All hon. Members are asked: Please come here formally dressed. I think all of you have seen Mr. Wamwere come in a suit to this House! I think everybody else must follow his trend. So, we will not have to spend our time talking about dressing again. So, everybody must do that. Come properly dressed in the House! That is it.

MINISTERIAL STATEMENT

NOMINATION OF MEMBERS TO HOUSE COMMITTEES

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I wish to make the following Ministerial Statement; that the House Business Committee, during its sitting on Tuesday, 4th March, 2003, and in accordance with Standing Order No.154(1), has nominated the following Members to serve on the various Sessional Committees.

The Members of the Speaker's Committee are:-

The Hon. Kausai F.X. Ole Kaparo, MP - Chairman
 The Hon. Daudi Mwiraria, MP
 The Hon. Dr. Christopher Murungaru, MP
 The Hon. James Nderitu Gachagua, MP
 The Hon. Soita Shitanda, MP
 The Hon. John M. Mutiso, MP
 The Hon. Peter Kenneth, MP
 The Hon. Najib Balala, MP
 The Hon. Abdirahman Ali Hassan, MP
 The Hon. Salat Nicholas Kiptoo, MP
 The Hon. Ali Wako, MP
 The Hon. Simon Kanyingi Kuria, MP
 The Hon. Sammy Prisa Leshore, MP

(Mr. Katuku consulted loudly)

Mr. Speaker: Order, Mr. Katuku! The Leader of Government Business is making a very important and serious statement. Hon. Members must be keen to listen and hear to which Committee they have been nominated.

Proceed, Mr. Wamalwa!

The Vice-President and the Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, Members of the Standing Orders Committee are:-

The Hon. Kausai F.X. Ole Kaparo, MP -	Chairman
The Hon. Daniel Khamasi, MP	
The Hon. Kihara Mwangi, MP	
The Hon. Kenneth Marende, MP	
The Hon. Joab Omino, MP	
The Hon. Otieno Kajwang', MP	
The Hon. Nyaga Wambora, MP	
The Hon. Dr. Godana Bonaya, MP	
The Hon. Dr. Esther Keino, MP	
The Hon. Charles Keter, MP	
The Hon. Kiema J. Kilonzo, MP	

The Hon. David Musila, MP - Deputy Speaker

The Members of the Catering Committee are:-

The Hon. Kausai F.X. Ole Kaparo, MP - Speaker

The Hon. John Mutinda, MP

The Hon. J.K. Kingi, MP

The Hon. William Omondi, MP

The Hon. Adelina Mwau, MP

The Hon. Patrick Ivuti, MP

The Hon. Antony K. Kimetto, MP

The Hon. Francis Achuka Ewaton, MP

The Hon. Mohammed Abdi Haji, MP

Mr. Samuel Ndindiri, Clerk, the National

Maj. (Rtd) Edward Waithaka, Chief Sergeant-at-

Assembly of Kenya
Arms

The Members of the Powers and Privileges Committee are:-

The Hon. Kausai F.X. Ole Kaparo, MP - Chairman

The Hon. Gitura Kembi, MP

The Hon. Stephen Ole Ntutu, MP

The Hon. Eric Nyamunga, MP

The Hon. Musikari Kombo, MP

The Hon. Kabogo Gitau, MP

The Hon. Geoffrey Gachara Muchiri, MP

The Hon. Stephen K. Manoti, MP

The Hon. Arthur Kinyanjui Magugu, MP

The Hon. David Kiptanui Koross, MP

The Hon. Hussein Maalim Mohammed, MP

The Members of the Library Committee are:-

The Hon. David Musila, MP - Chairman

The Hon. P.G. Munya, MP

The Hon. Owino Likowa, MP

The Hon. Macharia Mukiri, MP

The Hon. Elias Peter Mbau, MP

The Hon. Wycliffe Osundwa, MP

The Hon. Benson Mbai, MP

The Hon. Sudi Kiprono Sutter, MP

The Hon. Samuel Moroto, MP

The Hon. Lukas K. Chepkitony, MP

The Hon. Simon Nyang'au Okioma, MP

The Members of the Departmental Committee on Agriculture, Lands and Natural Resources are:-

The Hon. Prof. Patrick Ayieko Olweny, MP

The Hon. Z.M. Syongo, MP

The Hon. Franklin Bett, MP

The Hon. Peter Gichohi Muriithi, MP

The Hon. Mwangi Waithaka, MP

The Hon. Dr. Noah Wekesa, MP

The Hon. Serut John Bomet, MP

The Hon. Patrick K. Muiruri, MP

The Hon. Rotino Philip Ruto, MP

The Hon. Isaack Shaaban Ali, MP

The Hon. Mwanicha S.N. Okioma, MP

The Members of the Departmental Committee on Energy, Communications and Public Works are:-

The Hon. John Arunga, MP

The Hon. Wafula Wamunyinyi, MP
The Hon. Eng. Muriuki Karue, MP
The Hon. Kirugi M'Mukindia, MP
The Hon. Eng. Philip Okundi, MP
The Hon. Lukas Maitha, MP
The Hon. Gedion Moi, MP
The Hon. Mohamed Abu Chiaba, MP
The Hon. Richard Maoka Maore, MP
The Hon. Jimmy N.O. Angwenyi, MP
The Hon. Gonzi S. Rai, MP

The Members of the Departmental Committee on Education, Research and Technology are:-

The Hon. James P. Mutiso, MP
The Hon. Moffat Maitha, MP
The Hon. Francis Kagwima, MP
The Hon. Prof. Christine Mango, MP
The Hon. Silvester W. Bifwoli, MP
The Hon. Daniel Dickson Karaba, MP
The Hon. Raphael Muriungi, MP
The Hon. John Koech, MP
The Hon. Dr. Sammy Ruto, MP
The Hon. Joel O. Onyancha, MP
The Hon. Godfrey O. Masanya, MP

The Members of the Departmental Committee on Health, Housing, Labour and Social Welfare are:-

The Hon. Joel Khamisi, MP
The Hon. Tobias Ochola Ogur, MP
The Hon. Reuben Ndolo, MP
The Hon. Dr. Hezron Manduku, MP
The Hon. Dr. Bonny Khalwale, MP
The Hon. Norman M.G.K. Nyagah, MP
The Hon. Kalembe Ndile, MP
The Hon. Dr. Naomi Shaban Namsi, MP
The Hon. Dr. Galgallo Gurachi Boru, MP
The Hon. Dr. Kuti Mohammed Abdi, MP
The Hon. Zebedeo J. OPore, MP

The Members of the Departmental Committee on Administration, National Security and Local Authorities are:-

The Hon. Raphael Wanjala, MP
The Hon. Alfred Mwangi Nderitu, MP
The Hon. David Mwenje, MP
The Hon. Odhiambo Omamba, MP
The Hon. Abdalla Ngozi, MP
The Hon. Seif Kajembe, MP
The Hon. Daudi Mwanzia, MP
The Hon. Joseph Korir Kipkato, MP
The Hon. Ngoyoni Titus Lemusei, MP
The Hon. Musa Sirma, MP
The Hon. Abongotum A. Kamama, MP

The Members of the Departmental Committee on Finance, Planning and Trade are:-

The Hon. Dr. Adhu Awiti, MP
The Hon. Jakoyo Midiwo, MP
The Hon. Mutinda Mutiso, MP
The Hon. Dr. Oburu Oginga, MP
The Hon. Soita Shitanda, MP
The Hon. Mutahi Kagwe, MP
The Hon. Kyalo Kaindi, MP

The Hon. Sasusa Abdi Tari, MP
The Hon. Chrysanthus Okemo, MP
The Hon. Simon S. Lesrima, MP
The Hon. Henry O. Obwocha, MP

The Members of the Departmental Committee on Administration of Justice and Legal Affairs are:-

The Hon. David Were, MP
The Hon. E.W. Kibunguchy, MP
The Hon. Paul Kibugi Muite, MP
The Hon. Mirugi Kariuki, MP
The Hon. Cecily Mbarire, MP
The Hon. P.O. Owidi, MP
The Hon. Kenneth Marende, MP
The Hon. Jim Choge, MP
The Hon. Amina Abdalla, MP
The Hon. Gideon Ndambuki, MP
The Hon. Moses Cheboi, MP

The Members of the Departmental Committee on Defence and Foreign Relations are:-

The Hon. Moses Wetangula, MP
The Hon. Godfrey Gitahi Kariuki, MP
The Hon. Njoki Ndung'u, MP
The Hon. Joseph Nyagah, MP
The Hon. Suleiman Shakombo, MP
The Hon. George Khaniri, MP
The Hon. Nyiva Mwendwa, MP
The Hon. Maj-Gen. Joseph Nkaissey, MP
The Hon. Maj. Ahmed Aden Sugow, MP
The Hon. Maj. Madoka H. Marsden, MP
The Hon. Mwandawiro Mghanga, MP

The Members of the Public Accounts Committee (PAC) are as follows:-

The Hon. William ole Ntimama, MP
The Hon. Archbishop Ondiek, MP
The Hon. Sospeter Ojaamongson, MP
The Hon. Ekwee Ethuro, MP
The Hon. (Prof.) Julia Ojiambo, MP
The Hon. Koigi Wamwere, MP
The Hon. Uhuru Kenyatta, MP
The Hon. Justin Muturi, MP
The Hon. Billow Adan Kerow, MP
The Hon. Joseph Kipchumba Lagat, MP
The Hon. James O. Magara, MP

The Members of the Public Investments Committee (PIC) are:-

The Hon. Otieno Kajwang, MP
The Hon. Sammy Weya, MP
The Hon. Gor Sungu, MP
The Hon. Maina Kamanda, MP
The Hon. Wafula Wamunyinyi, MP
The Hon. Wycliffe Oparanya, MP
The Hon. Ali Bahri, MP
The Hon. Mohammed Abdi Mohammed, MP
The Hon. Sang Kipkorir Maritim, MP
The Hon. Boniface Mganga, MP
The Hon. Henry Obwocha, MP

The Members of the Pensions Management Committee are:-

The Hon. Joab Omino, MP
 The Hon. John Michuki, MP
 The Hon. Ali Abdul Bahari, MP

The Member to serve in the Pensions Appeals Tribunal is:-

The Hon. Moses Wetangula, MP
 This is a one man Committee.

Hon. Members: Why is that Committee composed of only one Member?

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I would like to inform the House that when Mr. Wetangula was last in Parliament, he also acted in that capacity.

Pursuant to Section 10 of the Constitution of Kenya Review Act, the following Members have been appointed as Members of the Constitutional Review Committee:-

The Hon. Michael Kijana Wamalwa, MP
 The Hon. Muskari Kombo, MP
 The Hon. Kipruto Arap Kirwa, MP
 The Hon. Moses Wetangula, MP
 The Hon. Raila Odinga, MP
 The Hon. John Joseph Kamotho, MP
 The Hon. Otieno Kajwang, MP
 The Hon. Moody Awori, MP
 The Hon. Joe Khamisi, MP
 The Hon. (Prof.) George Saitoti, MP
 The Hon. Stephen K. Musyoka, MP
 The Hon. Uhuru Kenyatta, MP
 The Hon. Mohammed Yusuf Haji, MP
 The Hon. Moses Cheboi, MP
 The Hon. Mutula Kilonzo, MP
 The Hon. (Dr.) Godana Bonaya, MP
 The Hon. Henry Kosgey, MP
 The Hon. William Ruto, MP
 The Hon. Justin Muturi, MP
 The Hon. Simeon Nyachae, MP
 The Hon. Kipkalia Kones, MP
 The Hon. Paul Kibugi Muite, MP
 The Hon. Kiraitu Murungi, MP
 The Hon. Dr. Christopher Murungaru, MP
 The Hon. (Prof.) Kivutha Kibwana, MP
 The Hon. Njoki Ndung'u, MP

Pursuant to Section 45(b)(1)(a) and 1(c) and 1(d)(e)(i) and (ii) of the Constitution of Kenya, the following Members have been appointed as Members of the Parliamentary Service Commission:-

The Hon. Speaker - Chairman
 The Hon. Leader of Government Business
 The Hon. Leader of the Official Opposition
 The Hon. Peter Oloo-Aringo, MP
 The Hon. John Joseph Kamotho, MP
 The Hon. Godfrey Gitahi Kariuki, MP
 The Hon. Moses Akaranga, MP
 The Hon. (Dr.) A.I. Ali, MP
 The Hon. John Sambu, MP
 The Hon. Jimmy Angwenyi, MP
 Thank you, Mr. Speaker, Sir.

Mr. Speaker: Thank you very much. Which other Member had indicated interest to raise a matter---

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I forgot the Government Chief Whip. In the Constitutional Review Committee, Member number 27 is the Hon. Norman M.G.K. Nyagah, MP.

POINTS OF ORDERCOMPREHENSIVE REPORT ON MANUFACTURE
OF UNHYGIENIC BREWS

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Speaker, Sir. During the debate on the Question by Private Notice asked by Mr. Muiruri on 27th February this year, the Chair did order that the Minister for Trade and Industry brings a comprehensive report to the House today, Wednesday, at 2.30 p.m. But the Question was asked today morning in the absence of the Minister. I wanted to correct the impression created that the Minister was late. The Question was, indeed, supposed to be answered this afternoon.

Mr. Speaker: Order, hon. Members! The hon. Assistant Minister has given a proper explanation as to why he was not here in the morning to answer that Question. But, nevertheless, all of you are enjoined to look at the Order Paper.

I would like to say that you are excused, but it did occur that this morning there were no Ministers in the House to answer Questions. I hope that was the first and last time. I also hope that the Leader of Government Business takes note of that.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I have taken note of that.

Mr. Speaker: Very well! Let us move on to the next Order!

HON. MEMBER UNWILLING TO SERVE
IN CATERING COMMITTEE

Mr. Achuka: On a point of order, Mr. Speaker, Sir. Ninapinga kuteuliwa kwangu katika Catering Committee. Kulingana na utamaduni wa watu wa Turkana, siwezi kutumikia Kamati hiyo. Sisi si watu wa kupika jikoni!

(Laughter)

Mr. Ethuro: Mr. Speaker, Sir, you have heard what my hon. colleague from Turkana has said. I just want to concur with him.

Mr. Speaker: Order! First and foremost, the Committee on Catering is not a committee of cooks.

(Laughter)

This is a Committee of the House to manage our restaurant and other catering facilities. Secondly, I truly believe that men from Turkana do eat and the food they eat is cooked in the kitchen. So, can we proceed? Anyway, this is not a Turkana Parliament!

INSECURITY IN THARAKA NORTH DIVISION

Mr. Kagwima: On a point of order, Mr. Speaker, Sir. A while ago, the Assistant Minister, Office of the President, was requested to look at the issue of insecurity in various parts of the country, including the Lake Region. I would like to add my voice to the fact that, for the last five years, nine schools in Tharaka North Division have been closed down because of insecurity. Even as much as we are enjoying free primary school education, children in that area continue to stay at home because the schools are closed.

Mr. Speaker, Sir, I would like to request the Assistant Minister, as he tries to improve security in other areas, to also look at the insecurity prevailing in Tharaka North Division so that those nine schools could be opened. I hope he has taken note of that.

Mr. Speaker: Very well!

Let us move on to the next Order now!

Mr. Speaker: Order! Next Order!

MOTIONADOPTION OF THE REPORT OF THE TRIBUNAL ON
TERMS AND CONDITIONS OF SERVICE OF MPs

Mr. Oloo-Aringo: Mr. Speaker, Sir, on behalf of the Parliamentary Service Commission, I beg to move the following Motion:-

THAT, this House adopts the Report of the Tribunal appointed by the Parliamentary Service Commission---

Mr. Speaker: Order! Order, Members! Since hon. Oloo-Aringo is moving that Motion on my behalf, could he do it from the Dispatch Box because I rule over all the communication systems!

(Applause)

(Mr. Oloo-Aringo moved to the Dispatch Box)

Mr. Oloo-Aringo: Mr. Speaker, Sir, on behalf of the Parliamentary Service Commission, I beg to move the following Motion:-

THAT, this House adopts the Report of the Tribunal appointed by the---

Mr. Speaker: Order! Mr. Oloo-Aringo, the correct thing is to say: "On behalf of the Chairman of the Parliamentary Service Commission."

Mr. Oloo-Aringo: Right, Mr. Speaker, Sir. I stand corrected.

Mr. Speaker, Sir, on behalf of the Chairman of the Parliamentary Service Commission, who is also the Speaker of the National Assembly---

(Laughter)

I beg to move the following Motion:-

THAT, this House adopts the Report of the Tribunal appointed by the Parliamentary Service Commission on 11th February, 2002, in accordance with Section 23(1) and (2) of the Parliamentary Service Act, 2000, to review the terms and conditions of service of Members of Parliament and the recommendations thereon by the Parliamentary Service Commission.

Mr. Speaker, Sir, the Report which I now hold in my hand is not a Report of this House. It is not a Report of the National Assembly. It has not been produced by the Members of the National Assembly.

(Applause)

It is a Report of an independent Tribunal of eminent Kenyans - people of integrity who have served in the Public Service in this country in different capacities. These include the following: Retired Judge Cockar who was the Chief Justice of this country; hon. Munyua Waiyaki, who served for a long time as Minister for Foreign Affairs and in other capacities; hon. J.D. Akumu, who served as a Member of Parliament for two terms and more; Mr. Bethuel Kiplagat who was a prominent public servant who served up to the highest level of being an Ambassador of our country; Mr. Gaylord Avedi, who was the Permanent Secretary in the Directorate of Personnel Management and Mr. Ndindiri, who is the Clerk of the National Assembly. Perhaps, that is the only input that the National Assembly had in this Tribunal.

Mr. Speaker Sir, I want to stress this: The Report of this Tribunal was not a Report of the National Assembly or of any Committee of this House. It is a Report by an independent Tribunal which has brought this Report to this House. Secondly, let me emphasise that the Tribunal was appointed in accordance with Section 45A(H) of the Constitution and the Parliamentary Service Act, Section 23(1) and (2). It is perfectly legal and constitutional. Thirdly, the Tribunal did not just sit in an office and draft this Report. The Tribunal collected and collated the views of Kenyans.

(Applause)

If you check the back of this Report, you will find that 270 Kenyans presented their views and only about 25 or so Members of Parliament actually appeared before this Tribunal in their personal capacities. Therefore, if you talk about public opinion, this Tribunal is representative of the public opinion of the people of Kenya.

(Applause)

Mr. Speaker, Sir, the Tribunal visited all the provinces and selected constituencies within Kenya to see

the diversity of Kenya that is represented in this great House. Therefore, they were able to take views from the semi-arid and arid areas of Kenya and highly-populated agricultural areas and, therefore, they collected all these views. They were asking Kenyans one question which was: "What sort of Parliament do you want for this country?". If you look at the terms of reference, you will see that it is not just about salaries and allowances. Salaries and allowances form a very small fraction of the Cockar Tribunal Report. In fact, it may not be the most important and Mr. Speaker, Sir, you said so in a different situation this morning. We are trying to re-invent institutions. What had happened and what had brought us to our knees was the destruction of institutions.

(Applause)

Mr. Speaker, Sir, one of the most important institutions is Parliament together with the Executive Government, Judiciary, Public Service and Local Government. These institutions are what make this country move and, therefore, we are asking ourselves, in the middle of this crisis: "What is it that caused the decay of the various institutions such as Parliament?", "How do we re-invent the institution of Parliament?", "What caused the decay of the institution of the Executive Government?", "How do we re-invent the institution of the Executive Government?", "What caused the decay in the Judiciary for example?", "How do we reinvent the Judiciary?", "What caused the collapse of the public service system in Kenya?", "How do we re-invent this system?". The Tribunal, in its own way, is answering those questions in this Report so that salaries and allowances form a very small fraction of this Report. Very huge parts of this Report have to do with: "How do you make Parliament better and more effective?", "How do you give the Members of Parliament the capacity to perform their constitutional functions?"

(Applause)

Mr. Speaker, Sir, I am saying this deliberately because so much time has been spent on the allowances. If you look carefully at the allowances, there is not much difference because if Members in the old arrangement were earning Kshs395,000 and what the Tribunal has asked and the question is: The people of Kenya want Members of Parliament to pay tax. They have said it is defective to say that your salary is Kshs10,000 and taxation is based on the same Kshs10,000. Let us raise this salary and pay tax on the salary that we have raised for Members of Parliament. It is an answer which the public themselves have raised.

Mr. Speaker, Sir, we have said, for example, that there are what we call the office holders of Parliament. Who are the office holders of Parliament? The President, first and foremost, is a Member of Parliament. If he ceases to be a Member of Parliament, he ceases to be the President of Kenya under the present Constitution. The others include the Vice-President, Ministers, Assistant Ministers, Leader of the Official Opposition, Leader of Government Business and chairmen of committees. We have just elected committees to perform cardinal and constitutional functions of oversight as a part of the democratic process. Therefore, we are appointing these committees in order to have oversight in how the Government works and the questions are: "How do we strengthen these committees?", "How do we structure them?", "How do we provide facilities for them?" That raises another question. Because hon. Members want to meet their constituents in dignity, they do not want to meet them through the windows of their cars and sign vouchers and statements looking through the windows. We want members of the public to know that they can travel to the office of their member of Parliament, take their seats and discuss issues which affect them. This is because, after all, our functions, directly and immediately, affect the people we represent in this House. We are the link between the people and their Government. Therefore, we must be facilitated to provide the services to the public with dignity.

Mr. Speaker, Sir, for example, members of the public made it quite clear to the Tribunal that, instead of having offices in Nairobi, they want to have offices for hon. Members in the constituencies, paid for from the public funds, raised through taxation.

(Applause)

The taxpayers are saying, let us have offices here, provide them with staff and equipment, but let them listen to us so that when they talk in Nairobi, they are reflecting the mood and the wishes of the electorate. This facilitation is not a luxury. In every Parliament now, the world over, hon. Members are facilitated to have offices in Parliament and in their constituencies.

We also listen to the people and the public at large, and the public has told us that one of the causes of corruption in this country is Harambee. These people who have unlimited money; who are carrying money in boots of their cars - where did they get it from? We cannot go on institutionalising corruption! The people said

that it is better to bring equitable development in Kenya; to have funds drawn directly from the Consolidated Fund, apportioned equally and taken to every constituency. That is the only way we can eliminate Harambee, because we are suggesting that Harambee cannot replace taxation and revenue collection. Development based on Harambee is bound to be corrupt. Where do these people get millions and millions of shillings to distribute to people in the country? The Tribunal is seeking the answer to those corrupt practices. They travelled to India, South Africa and elsewhere and, they found that many Parliaments have now created what is called "Constituency Development Fund."

(Applause)

Mr. Speaker, Sir, this House, through hon. Eng. Muriuki, has already passed a legislative Motion to establish a Constituency Development Fund. I know he is already printing this particular Bill. But what the Tribunal listened to was that the people wanted a more structured way of development, less corrupt and which can be scrutinized. Instead of these thieves taking money from the Central Bank of Kenya, the Government and taking the money overseas, this money should be divided equally amongst all the 210 constituencies in this Republic.

(Applause)

For example, it does not take away from the Government what the Government is doing and what is provided for. It is not taking away the functions of the local authorities, but we are referring to community-based projects.

Let me say this with a lot of seriousness. We ourselves must begin to change the distorted view of an hon. Member. An hon. Member is not an Automated Teller Machine (ATM), where you insert the card and draw out the money.

(Applause)

We have to change that concept completely because we actually encourage it. An hon. Member is a servant of the people; he listens to the people, brings their views, concerns and hopes to this House. These issues are debated and a consensus is arrived at. That consensus can be turned into public policy, and it can also be turned into a legislation.

Therefore, a legislation will reflect the wishes of the people, then the people themselves pay tax, which they want us to distribute in order to produce goods and services. The people are not afraid to pay for the maintenance of their institutions. What they are saying is that they reject corruption. On that one, the people have rejected corruption and the NARC Government is in the frontline in fighting corruption. They have said they have rejected theft of public funds. They want hon. Members to be paid so that they can spend more time in the business of the people of Kenya.

In fact, what we are suggesting is that the sociology of this Parliament has changed. When the *Mzungu* was here in the Legislative Council, many of them were big fat farmers or businessmen who came in here in the afternoon and they knew, by 6.00 p.m., they had to go to the Nairobi Club so that they could share the evening over a drink. They could only spend two hours in Parliament.

Mr. Speaker, Sir, majority of hon. Members here today are different, because they are professionals. But even if they were not professionals, they must spend their time in Parliament and make Parliament more professional. It is not possible, any longer, for a practising advocate to maintain his office in Kisumu and continue to be an hon. Member in this House. It is not possible, for example, for a doctor, a physician or any other specialist to have his practice and continue to be a Member of Parliament here! It is for that reason that the public is saying, "let us give hon. Members a reasonable remuneration so that they can spend more of their time in the business of the people of Kenya."

Mr. Speaker, Sir, as I have said, we have identified what we can call 'the office holders of Parliament'. We have said the President, the Vice-President, Ministers, Chairmen of various Committees, the Leader of Government Business, Leaders of Parliamentary political parties play vital roles in making this institution vibrant and democratic. Let us recognise them and provide them with facilities so that they can perform those functions adequately and effectively. Those are the people speaking, it is not Oloo-Aringo nor the Speaker who is speaking! It is the people of Kenya who are saying that this is what they expect from our Members of Parliament. Members of Parliament must serve them, and to do so, they must be given the facilities.

Mr. Speaker, Sir, I wanted to draw the attention of hon. Members that--- If you look at what we have said about the payment or the remuneration of the Speaker, the argument is very simple and this is the Tribunal

speaking again. The Speaker is the head of a branch of Government, in the same way that the Chief Justice is the head of a branch of Government. For us here now, the Leader of Government Business is the Vice-President. These are comparative positions. If you do not give a comparative remuneration to the Speaker, his dignity in the presence of these other two will be less.

(Applause)

So, we must elevate the office of the Speaker to be equal to that of the Chief Justice and that of the Prime Minister, when we will have the Prime Minister; or for the time being, to the Office of the Vice-President, who is the Leader of Government Business. In the same way, we must recognise the Leader of the Official Opposition as part and parcel of the Government and, therefore, he should be remunerated in the same way, like we remunerate the Leader of Government Business. This has not come out yet, but I am putting up this argument because if you put the argument at that level, then you can see why, for example--- Some hon. Members have asked me why the gap between the Speaker and hon. Members be large? I would not like to see my Speaker being treated by small little fellows with disrespect, because that will not only be disrespect to the Speaker, but to this august House.

(Applause)

Mr. Speaker, Sir, in many countries, the Speaker is always the person to turn to if there is a vacuum in the office of the President. In Ghana, for example, when the President is not able to continue with the functions of the Office of the President, the person who takes office of the Head of State is the Speaker. Therefore, you cannot expect the Speaker, who is lowly-paid to come from there, in order to be equal to the Chief Justice. So, this was deliberate and I think the Tribunal correctly pointed out this.

The other point which I think I must point out is that, in addition to the Report itself, the Act provides that the Parliamentary Service Commission will make comments which will be considered along with the Report. For example, in some of those comments, we have also addressed the criticisms which the Tribunal recorded as they were going to meet the people. One of them is that, quite sincerely, Members of Parliament only spend 12 hours now in the work of Parliament in the House; Tuesday afternoon, Wednesday, two sittings and Thursday afternoon. They are saying that they are ready to pay their Members of Parliament, but they should spend more time. It has a very serious implication. In any one year, we have only been able to pass, for example, 15 Bills and the majority of those Bills are finance Bills which, as you know, are compulsory and so we are under-performing. It is good to listen to what people think about us, that though they want to pay us better, we are under-performing.

Mr. Speaker, Sir, we have another culture here of technical appearance, that hon. Members travel long distances to Mombasa or to any other big hotels and they do not attend the committee work for which they had gone there. It is irresponsible and the responsibility must start with ourselves. We must ask: Are we spending public resources correctly in the work of the people? These criticisms are healthy and valid. So, let us pay attention to what the people are saying, that they are ready to pay their Members, but Parliament is under-performing. Indeed, we can spend more time, and I have suggested, maybe, we look at our Standing Orders again and ask whether or not we cannot spend Tuesday morning and Thursday morning and be able to devote some of the time to Private Member Motions. I said last time that there has been a "cemetery" of Private Member Motions. They just "die" and are "buried" after a Member has spent a lot of money and time. At the moment, to bring a Bill to this House is extremely expensive and I know it because I have tried. I am urging hon. Members to do so. But we must facilitate them because one of the functions of a Member is law-making. I know that your Commission has already started a Department of Legal Services and will soon appoint officers to that department basically to assist hon. Members with the drafting of Bills and amendments to Bills. Today, we talked about the Parliamentary Budget Office. If that Motion is passed, it will provide hon. Members with technical analysis of the Budget itself. It will also give them economic focus and, therefore, they will be in a position to talk from knowledge. This is the purpose, Mr. Speaker, Sir, of what you have called capacity building. We are building the capacity so that we can measure up to the expectations of the people.

I took a different view this morning. Many hon. Members were requesting me that we should pass this Motion in a hurry and that we should just nod as a technical acknowledgement that we have accepted the Motion. But I am saying no. Let us debate first; to correct the distortion about the role of a Member of Parliament. A Member of Parliament does not collect taxes and no taxes are paid to the Member of Parliament. The taxes are collected by the Government, and it is the Government we turn to, to provide goods and services to the people. Our duty is to ensure that the Government does provide those goods and services to the people. That is why we are saying that if you can provide the goods and services to the people, then the Government is performing a

useful function.

Mr. Speaker, Sir, let me conclude because I know this is a matter of great interest. As I said, let us not rush and brush the matter under the Table. We must talk about the sort of Parliament we want and the sort of Member of Parliament we want. Are we going to continue with this myth of the so-called "development-conscious" Members of Parliament and some are not "development-conscious?" You will find the so-called "development-conscious" were, basically to some extent, people who had got their money dubiously. They carry unlimited amounts of money in the boots looking for where to pay. They want to buy leadership but, thank God, the people of Kenyan said no and they elected people of integrity. I am confident that this Parliament can provide a new beginning. We are asking for a new beginning based on the institutions which will serve the people; a new beginning which will fight corruption; a new beginning where theft of public funds will be looked down upon and people will be dealt with when they are found. We need a new beginning in which we shall truly become servants of the people and my answer is: The Report is more than just salaries and allowances. I know hon. Members have looked at it and examined some details. For example, people are talking about the vehicles. This Report suggests that hon. Members be paid Kshs3.3 million. But if you look at it, this was part and parcel of what would have been their salaries and allowances. The Tribunal moved the salaries and allowances from Kshs555,000 to Kshs485,000 and paid hon. Members this money in advance to enable them to acquire cars. After all, we have been casualties of road accidents more than any other group of people. When you have a wretched car, for example, you are unlikely to make the long distance between here and the UK where I come from.

(Laughter)

Mr. Speaker: Where?

Mr. Oloo-Aringo: Mr. Speaker, Sir, I come from a place called "UK!"

Mr. Speaker: Where is that, Mr. Oloo-Aringo?

Mr. Oloo-Aringo: It is called, in English, "United Kisumu!"

(Laughter)

So, we are saying that a car is an essential tool of a Member of Parliament. We are also saying that Members of Parliament should be facilitated---

Mr. Weya: On a point of order, Mr. Speaker, Sir. The hon. Member comes from "USA"; Ugenya-Siaya-Alego and not UK!

(Laughter)

Mr. Speaker: Order! Order! Mr. Weya, where is that?

Mr. Weya: USA stands for Ugenya-Siaya-Alego, Mr. Speaker, Sir. I would also like to tell the House that Mr. Oloo-Aringo is one of my constituents.

Mr. Speaker: Order! Order! Mr. Weya, you can go and argue that with Mr. Oloo-Aringo outside this House.

Proceed!

(Laughter)

Mr. Oloo-Aringo: Mr. Speaker, Sir, I think, sometimes, that is good for the House.

Let me draw the attention of hon. Members, therefore, to the comments by the Parliamentary Service Commission (PSC). As I said, in this particular Motion, hon. Members are being asked to adopt the Report and also the comments. But in conclusion, there are several things I want to say about responsible Government. You can only have a responsible Government if you have an effective, efficient and democratic Parliament because responsible Government starts with the people. It is the people who create Parliament at a general election. It is Parliament which creates the Government. So, while Parliament and parliamentarians are answerable to the people, the Government is answerable to Members of Parliament. The only way hon. Members can perform their constitutional functions is if they are facilitated and provided with capacity to do that work. Capacity is not just financial. Capacity is building the infrastructure of services.

Finally, it is up to the Members themselves to determine the sort of Parliament they want to have. Do they want to have a parliament of paupers because this question has been asked? Do you want to have a

parliament of paupers where you go up the hill and you are shown a number of briefcases and then you are asked to dip your hand into one of them, and that you do this one weekend in, one weekend out? Is that the culture we want where, because Members are impoverished, there are tycoons who are ready to buy them at the cheapest prices? I do not know whether those are political or economic tycoons. Is that the parliamentarian we want; who can be sold and bought like a goat? This is what we must ask ourselves because once you can be sold, you can be bought. We have seen good Bills being sabotaged here, not because they are bad Bills, but because, quietly, they are threatening the interests of some people. The one way to avoid being bought and being sold, and have integrity, is to facilitate hon. Members.

Mr. Speaker, Sir, last weekend, I was pleased with an article in one of the newspapers which compared the salaries of hon. Members of Kenya, Uganda and Tanzania. It was established, beyond any doubt, that Kenyans are very poorly paid compared to Uganda and Tanzania. And that indeed, what hon. Members of Parliament are asking for is a pittance. What I am underlining is that this economy can afford it, provided we restore discipline and prudent management of our economy and resources. We can afford to pay our public servants better.

With those few remarks, I beg to move.

Mr. Speaker: Mr. Obwocha, would you like to second?

Mr. Obwocha: Yes, Mr. Speaker, Sir, if you could allow me to second it from the Dispatch Box.

Mr. Speaker: No, you continue from there!

Mr. Obwocha: Mr. Speaker, Sir, I had not made my maiden speech when we were discussing the exposition of public policy. I would like to thank the people of West Mugirango for re-electing me a third time in this House. I would also like to congratulate President Mwai Kibaki and NARC for beating us in the last General Elections. It is upon NARC to show Kenyans that they can deliver what we also promised to do.

Mr. Speaker, Sir, let me come to the adoption of this Report. There is an impression that has been created by the media in general that if we adopt this report---

Hon. Members: *Nation! Nation!*

Mr. Obwocha: The media have created an impression that if we adopt this Report, we will have this money tomorrow in our pockets. I would like to educate them that in getting this money, we are still far away from adopting this Report. This House must first amend the National Assembly Remuneration Act. I would like to say that one time, a French philosopher said: "I cannot define an elephant, but if I see one, I can tell you that this is an elephant". The work of a hon. Member of Parliament fits very well in that description. People do not know what Member of Parliament is supposed to do in this country, Kenya.

If you go to Continental House and see the people lining up to see hon. Members of Parliament, you would wonder whether we are Kenya Commercial Bank, Kenyatta National Hospital, ATMs, *et cetera*. The work of an hon. Member of Parliament in this country is varied. To that extent, the duties of an hon. Member of Parliament in this country needs to be defined. We should define what an hon. Member of Parliament is supposed to do in this country. I think the Tribunal has tried as much as possible to define what we need to do as MPs.

Mr. Speaker, Sir, looking at this Report, I would like to agree with Mr. Oloo-Aringo that if you look at the eminent Kenyans who chaired this Commission, I believe you will have very few questions to ask about what they have done in terms of collecting and collating the information. I had the privilege of serving the Eighth Parliament, and the question that arose from the media was that hon. Members of Parliament were increasing their salaries every day. To that end, I thought the Press was asking us to give this responsibility to an independent body to look into the terms and conditions of our service, which we did. Now looking at the type of campaign that has started in the media, I am wondering whether they are not shifting goal posts. What they were talking about is not what they are now talking about. From this Report, I believe the people of Kenya have talked; they have said what their hon. Members of Parliament should do and what they should earn.

The members of the Tribunal, in presenting the Report, said that they went all over the country. Indeed, when I look at the places they went to, they were able to visit every province. They heard the views of Kenyans. From the views of Kenyans which they have collated, what does the media want this House to do? Do they want us to start sorting out the salaries again or they want to hear what Kenyans have said? If they are honest, I believe they should listen to what Kenyans have said in this Report.

Mr. Speaker, Sir, there were two issues that arose, and I believe Mr. Oloo-Aringo mentioned them: One was that Kenyans were complaining that a salary of Kshs10,000 is deceptive; it is not realistic. We agree that it is not realistic. In proposing the new salary, I believe the Tribunal was trying to go around the issue of taxation. I would agree with the Tribunal that the issue of taxation is universal and should not be discriminative. Hon. Members of Parliament should pay tax and, indeed, we are prepared to pay tax. We are only prepared to pay tax if the media respects the decision of Kenyans. There is no point in saying that Kshs200,000 as salary will be taxable, and then the Press turns around and says that this is too much, when in the first place they were complaining

Kshs10,000. Indeed, one asks where do they stand? Are they for the new taxable salary or do they want us to go back to the Kshs10,000?

The second issue that Kenyans were complaining about was about the commuted mileage allowance. The Tribunal went round and in fact, abolished the commuted mileage allowance, and in place gave the hon. Members of Parliament money to buy a car and Kshs75,000 for maintenance. In monetary terms, I would like the Press to understand this. If they do not, let them go to mathematicians - let them multiply the Kshs336,000 we used to get by the number of hon. Members and the number of years we stay here, minus the Kshs3.3 million which will be given once in five years. If you add the Kshs75,000 they will find out that together with the other benefits, the Government is going to save Kshs240 million per year and subsequently Kshs1.2 billion in five years.

If this Motion is approved, it will save both the Government and the public funds. At the same time it will enable the MPs to have cars to operate between their constituencies and the National Assembly. What bothers me again is the Press reports about the current emoluments for a Member of Parliament. I do not know where the Press ever got this information from. Norman Nyagah, the Member for Kamukunji or David Mwenje, the Member for Embakasi, get precisely Kshs395,000 as gross salary. Where is this Kshs500,000 that a Member of Parliament is supposed to be earning which the Press keeps on quoting day in, day out?

We would like to request the media to report accurately what hon. Members earn. If we earn Kshs1 million, tell Kenyans that we earn Kshs1 million. We have no problem with that. We will work for it; we will work for Kenyans. If we earn Kshs395,000, please tell them that, that is the amount we earn. The Commission travelled to other countries to compare and contrast the pay packages offered to MPs in those countries. We found out that a Member of Parliament in Tanzania earns Kshs1.2 million. Our Ugandan counterparts earn Kshs960,000. The salary for the Kenyan MPs is being rationalised because there will be not much difference from what we earn with the Kshs485,000 which we shall earn minus Kshs66,000. If you sit in the House, then you get your additional sitting allowance. We normally do not sit during recess, so we shall not get that sitting allowance. You can now see the gap between our current salaries with the new amounts of Kshs419,000 and that of our counterparts in Uganda and Tanzania. Worse still, the Kenyan MP is perceived to be a moving bank. He attends *Harambee's*, funerals and all manner of functions. Therefore, there is a lot of disparity between what we earn and what our counterparts in other countries earn.

What also puzzles me is this issue of insurance. The media says that our beneficiaries get free insurance of Kshs10 million in the event of anything. In my payslip this month, I have been deducted Kshs88,000 towards insurance. Where is this money that the Government pays on my behalf for insurance? We would like the Press to report accurately. We have no quarrel with them. I want to assure the Nation and the other media houses that when the economy of this country improves a Member of Parliament in this country should earn more than Kshs1 million. It is only then that he can be able to fulfil his many commitments with his constituents.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, I do not need to over-emphasise that, at the moment, a Permanent Secretary earns more than what an MP earns. The Judges and the Chief Justice earn more than what the Ministers earn here. The managing directors of many international and local companies earn more than what we earn. I would like to point out that three-quarters of the Ninth Parliament is made up of professionals. These are not fellows who have been dragged from the forest. Many of these people are professionals. Indeed, if I were in the private sector, my salary would not be less than Kshs2 million. By earning Kshs485,000, I am making a sacrifice to the nation so that I can serve the people of West Mugirango.

I would like to ask one more question. When the media says that according to their survey the people are very upset that the MPs will adopt this Report, I ask myself: Are these really Kenyans who were asked to give their views about Parliament or were they Tanzanians or Ugandans? Were these people Kenyans? I read malice when, in one breath, the Press reports that Kenyans have said this is what their MPs should earn and in another breath it reports that Kenyans have said the MPs should not earn that amount. I find a lot of contradiction in what has been said.

This Report moves to correct certain anomalies in remuneration. First, it corrects the anomaly in MPs salaries, then it moves on to correct the salary and emoluments of the President. It is utter nonsense to say that the President of this country should earn Kshs100,000 as it is at the moment. If the President continues earning Kshs100,000 as at present, that is the surest way of making your President corrupt. There is no way a President will live on a salary of Kshs100,000. Therefore in correcting the anomaly I fully support---

Mr. Sungu: On a point of information, Mr. Speaker, Sir. I would like to inform the hon. Member that there are some chief executives, particularly in the media, who earn Kshs2.5 million per month.

Hon. Members: The Nation Media Group!

Mr. Sungu: Mr. Speaker, Sir, they have said it! Mr. Kiboro who is the Chief Executive of the Nation Media Group earns Kshs2.5 million. Is Mr. Kiboro doing more work than an hon. Member?

Mr. Deputy Speaker: Continue, Mr. Obwocha!

Mr. Obwocha: Thank you, Mr. Sungu, for that information. All what the hon. Member is saying is that it is not a big deal for us to rationalise our current salary. There is no extra money we are taking from the public coffers. Therefore, I would like to associate myself with the Kshs2 million that will be paid to the President. The President should be paid well. He deserves this money so that we can start addressing the issue of corruption from the top. You cannot eradicate corruption from the top, if you do not remunerate the "top" properly.

Indeed, I also want to add my support to the salary and allowances that will be paid to the Speaker. We want to strengthen our institution. This money is not being paid to Mr. Francis Xavier Kausai ole Kaparo, but it is being paid to the Office of the Speaker. In the event of anything happening to the President, this House can enact a law which says the Office of the Speaker can act in the meantime or do a, b, c and d. So, it is that institution we want to strengthen. That is why I believe that the holder of that office should be well paid so that he does not get into corrupt practices and dispense his duties accordingly.

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Speaker, Sir. Mr. Obwocha has eloquently made his contribution and the gist of the complaint is about the Press. We have a particular Standing Order that forbids anticipation of debate or taking matters before the House to external domains. Has it been in order for the Press to have debated this matter and tried to arm-twist this House? I know it may be perceived that we are trying to gag the Press, but laws are laws, and they must be followed.

Mr. Deputy Speaker: At the moment, the Chair would rather let that matter pass and we continue with the debate.

Continue, Mr. Obwocha!

Mr. Obwocha: Mr. Speaker, Sir, I believe the Press is at liberty to comment on this matter. But hon. Members are not supposed to anticipate a debate on a matter before the House.

Mr. Deputy Speaker, Sir, the other thing I want to talk about is the fund which is anticipated or proposed by the Tribunal. All of us agree that a big chunk of our salaries goes towards Harambees, medical expenses, to pay school fees and other needs of our constituents. In order to reduce the levels of corruption we have to abolish Harambees. The establishment of this Constituency Development Fund will not only assist hon. Members, but it will address the issue of corruption in this country.

More often than not, because of our poor salaries, we tend to move from one office to another soliciting for Harambee money. This encourages corruption. However, if this Fund is set to help every constituency, I have no reason to run around looking for money to take to certain schools, dispensaries or roads. I believe this is one of the best recommendations that this Tribunal came up with. I want to pause and say this: Year in, year out, we pass Kshs50 billion in the Development Estimates in this House. But let us ask ourselves this question: If you give Kshs20 million to each constituency, what kind of money are we talking about? We are talking about Kshs4.2 billion. This will make a bigger difference than the Kshs50 billion allocated to Development Estimates yearly. All the years we have been here, the Kshs50 billion is allocated every year, but how many projects have been initiated in our constituencies? In my constituency, for all these years I have been here, I cannot precisely point at any project and say; "this is the project from the Development Estimates". So, I believe Kshs4.2 billion for the whole country will really make a big difference.

Mr. Deputy Speaker, Sir, finally so that you can give others a chance to contribute, I would like to say the economy of this country is in the Intensive Care Unit (ICU). We want to get better. However, we can only get better if this House addresses the issue of corruption, and not the issue of salaries of hon. Members. I would like the Government, in fulfilling its promises to Kenyans, to do so legally. I would not like the Government to start acting as if there is no law and order in this country. I believe the NARC Government promised to uphold the rule of law, to correct the mistakes that have been made in this House by the previous regimes. So, I expect the Government to follow the rule of law in correcting those anomalies. I would also like to request the Press not to destroy the institution of Parliament.

We would like the media to build Parliament. Right now they may be imagining that Parliament is not an important institution, but a day will come when they will need this House to do certain things for Kenyans. Individuals come and go, but Parliament will stay. Let them tell the people the truth; let them not shift the goal posts. The fact of the matter is that if this Report is adopted, the Government will be saving Kshs240 million per

year. The proposals contained in it are within the Budget. Therefore, its adoption should not be a big deal.

With those remarks, I beg to support.

(Question proposed)

Mr. Sungu: Put the Question!

Mr. Deputy Speaker: Order! Order! Mr. Sungu, you should not direct the Chair on what to do.

Mr. Mwenje, you may have the Floor.

Mr. Mwenje: Mr. Deputy Speaker, Sir, I would like to say from the outset--

Hon. Members: Mr. Mwenje, sit down, so that the Question can be put.

Mr. Deputy Speaker: Order! Order! Hon. Members, the business before the House is very important. It is, therefore, quite out of order for anybody to suggest that I put the Question before it is debated.

Proceed, Mr. Mwenje.

Mr. Mwenje: Mr. Deputy Speaker, Sir, my appeal to my brothers and sisters in this House is that we should not shy away from what we believe is right. Even if the media bashes us left, right and centre, we should be clear in what we believe. Of course, I was not brought here by the media but rather by the voters of Embakasi Constituency. The 47,000 voters who elected me to this House know that I serve them well. They have elected me to represent them in this House almost four times now, because they know what I do for them. The media has been very unfair to this House. The media has hit us below the belt by reporting that the first thing we did when we were elected to this House was to consider our own salary. The Report we are debating did not emanate from this House; it emanated from the Tribunal, which was appointed by the Parliamentary Service Commission last year, and now it has been brought to the House for debate and adoption in accordance with the law. It was, therefore, very unfair for the Press to refer to us as selfish people who do not care about the performance of the economy. I believe that the media owe us an apology.

Mr. Deputy Speaker, Sir, more than 90 per cent of the hon. Members who fail to recapture their seats after a general election lead a miserable life. Every hon. Member here knows that those who were here before them are leading a bad life. If the job we hold now was lucrative, then, surely, former hon. Members should have been very rich. We have volunteered to serve our people from the Floor of this House even if we end up being poor. Everybody should know that the job of a Parliamentarian requires one to sacrifice so much. If that were not true, having served as a Member of Parliament for so many years, I would have been a very rich man. On the contrary, I am still very poor.

Some two parliaments back, hon. Members used to put the initials "MP" on their cars. Today, nobody here wants to put those initials on his or her car. If you put them on your car, everybody on the road will bother you with requests for financial assistance to meet one need or the other. Why do you think we removed the initials "MP" from our cars? We know that we are bothered so much by people out there. Some of us came here late because we had to try and solve some problems for our constituents, who have camped out there.

Parliament has been besieged by some people who are waiting for us to solve their problems. This afternoon, I had to explain to some people how I intended to go about an issue they had raised with me. It was not until I told them that I would raise the matter with the relevant Minister that they went away. Such is our daily routine. We deal with one problem after another. Anybody who cannot raise school fees for his or her children writes to his or her Member of Parliament. We are jacks of all trades. When the rates at Pumwani Maternity Hospital are increased, I am the first person to know the new rates.

(Laughter)

Mr. Deputy Speaker, Sir, I do not want to go into the technicalities and details of this Report. This Report has been prepared by a third party, and we have been asked to adopt it. So, we will adopt it. Previously, I served in the Departmental Committee on Defence and Foreign Relations. We visited Uganda with you, Mr. Deputy Speaker, as our Chairman. You are aware of the emoluments of a Member of Parliament in Uganda; it is three times the amount you earn here in Kenya, yet Ugandan Members of Parliament do not conduct Harambees. In Tanzania, which is much poorer than Kenya, Members of Parliament earn twice the salary we earn. Why has the media not compared the package that has been proposed in this Report with what other countries pay their Members of Parliament?

Mr. Deputy Speaker, Sir, we went with you to Germany and learnt that a Member of Parliament in that

country earns 20 times the salary earned by a Member of Parliament in Kenya. If members of the media practised fair journalism while reporting on this issue, why did they not compare the salary package proposed in this Report with those of other countries, while also considering the per capita income between those countries and ours?

Everybody in this country knows that judges and Permanent Secretaries (PSs) earn much higher salaries than those of Members of Parliament. If you travel with a PS to overseas countries today, he will book himself into first class and let you travel economy class.

An hon. Member: Is that so?

Mr. Mwenje: That is the truth. Who is senior to the other? Is it the PS or the hon. Member? Who pays the other? Whose money do PSs use? I am mandated by the people of Embakasi Constituents to have a say on the moneys they contribute to the Consolidated Fund. As if that is not enough, on national days, seats at the dais are arranged so that MPs sit in the back rows while PSs sit near the President.

Hon. Members: Shame! That should change!

Mr. Mwenje: Permanent Secretaries tend to think that they control us. This is a typical case where your servant becomes your boss, and then you do nothing about it.

An hon. Member: That happened during the Nyayo era!

Mr. Mwenje: As my friend says here, that used to happen during the Nyayo era, and it must stop. We must not shy away from saying what we believe in. If anybody complains that I am not serving my constituents well, I will listen to him. However, if one complains simply because my salary is going to be increased by about Kshs80,000, when I spend so much money on Harambees, I will not listen to them. The school fees bill in my constituency, which is the biggest in terms of population countrywide, stood at Kshs1.1 million in January alone; that was in respect of people who could not raise school fees for their secondary school children. I conducted a Harambee and managed to collect Kshs400,000. I donated my first salary, and still the problem was not fully solved. I now have to depend on bank overdrafts for my survival. Yet, somebody comes here and puts it as if it is a very big issue. That has been very unfair to us and I hope the Press will realise that they should never attack Members of Parliament. We are elected to this House by our people. Nobody came in unopposed; maybe one or two! The majority of Members here were opposed in the last general elections.

An hon. Member: It was only Mr. Gedion Moi who was unopposed!

Mr. Mwenje: I am told only one Member was unopposed! I do not know which one, but *nasikia ni mara kwa mara!* But the truth of the matter is that we deserve our respect.

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): On a point of information, Mr. Deputy Speaker, Sir. When the hon. Member was contributing, I saw another honourable individual standing on the other side of the House, symbolising that he came in unopposed.

I want to inform the hon. Member it was more expensive for that Member to come in unopposed than those who campaigned! He bought his way so expensively, that it was better to come in opposed!

The Member for Baringo Central (Mr. Moi): On a point of order, Mr. Deputy Speaker, Sir. Is he trying to impute improper motives on another Member; that, I bought my way?

Mr. Deputy Speaker: Yes, indeed, Mr. Moi is right! If you want to mention a Member adversely, you can only do so through a substantive **[Mr. Deputy Speaker]**

Motion. Therefore, Mr. Munyao, that was adverse to Mr. Moi! Could you withdraw those remarks?

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, as you know, I am very obedient, particularly to the Chair! I am grateful to know somebody has come up to tell us! When I spoke, and the HANSARD will bear me witness, I did not mention anybody! I did not know anybody! If somebody now confirms to this House that he bought his way, we should know! I also want to know who it was! Who is he? Could he come out and tell us?

(Laughter)

(Mr. Moi stood up in his place)

Mr. Deputy Speaker: What do you have to say about that, Mr. Moi?

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Mr. Angwenyi! I recognised Mr. Moi!

Mr. Angwenyi: But he is not on his feet!

Mr. Deputy Speaker: He was!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I think it is going to be very unfair in this House, if we want to implicate that the hon. Member, who is a reminder of what we have been doing before---

That is because when his name is mentioned as Mr. Moi, we know where we are coming from! So, let us not implicate him, especially before he gives his maiden speech!

(Laughter)

Mr. Deputy Speaker: Mr. Moi has nothing to say. So, proceed, Mr. Mwenje!

Mr. Mwenje: *Mara kwa mara, hatutakumbushwa hayo!* Therefore, what I was saying---

Mr. Sudi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Mwenje to continue before Mr. Munyao apologises and withdraws his remarks?

Mr. Deputy Speaker: Mr. Munyao made a statement and then I gave Mr. Moi a chance to respond. He opted not to and, therefore, I reverted to the debate.

The Member for Baringo Central (Mr. Moi): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member, please, apologise and withdraw those remarks?

An hon. Member: Why?

The Member for Baringo Central (Mr. Moi): Because he was imputing that I bought my way to this House! Come on!

Mr. Deputy Speaker: Order! By the way, did Mr. Munyao mention the name of Mr. Moi?

Hon. Members: No, he did not!

Mr. Deputy Speaker: Mr. Clerk, could I get confirmation?

(*Mr. Deputy Speaker conferred
with the Clerk-at-the-Table*)

I am guided that Mr. Munyao did not, in fact, mention Mr. Moi! Therefore, there are no apologies. Proceed, Mr. Mwenje!

Mr. Mwenje: Mr. Deputy Speaker, Sir, I am hoping that some hon. Members, who should be knowing points of order by now, should desist from interruptions! Some of them are frivolous. Therefore, what I was saying was that Members of Parliament should be given what is theirs. The Bible says: Give to Caesar what belongs to Caesar!

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you have heard Mr. Mwenje refer to a certain Member as a dummy! Is that language parliamentary?

Mr. Deputy Speaker: Did you say that, Mr. Mwenje?

Mr. Mwenje: No! I never used that language! Mr. Katuku knows I do not use such kind of words.

Mr. Deputy Speaker: Hon. Members, let us be serious! As I said, we are debating a very important Motion.

Mr. Mwenje: Mr. Deputy Speaker, Sir, as I was saying, I would like to appeal to hon. Members to show seriousness in this matter, lest the Press takes it exactly the same way that they have been doing for the last few days. The Press has now resorted to making their kind of parliament. There is another one called the peoples' parliament in another media. We would like to appeal to them that when they receive those questions, they should take time and find out the truth. Let them not start condemning whoever is mentioned there and there. I do not think that is fair to the new leadership of this country. That has not been there before, and I do not know why it has started now. Is it meant to discredit the current Government and NARC? Is it deliberate? There is no secret in what Members of Parliament do. There is no secret in working for our people. There is no secret even in our own salaries. After all, we are the same people who vote for the rest of the expenditure of the Government. We also vote for our own salaries. Therefore, we saw that, instead of making our own decisions, the issue should be referred to a Tribunal, which also involved judges and other people like the Central Organisation of Trade Unions (COTU) and other employers' associations. I think it is time for the whole country to say that we are not selfish; we have done a good job and be given a pat on the back. In return, could we also give them services?

Mr. Deputy Speaker, Sir, when it comes to the economy, it is true that they are asking us to wait for the economy to improve. If you want to make the economy improve, even in your own house, you must start feeding the head of that house! If he is hungry, he cannot feed even the children! So, now, there is some hope that even those who are behind will now be able to get something. So, once we have started with Members of Parliament, we will be able to look at the others and consider them. The economy of this country must be improved at whatever cost. It must sustain not only the salaries, but also other areas of our economy.

We want to promise the people of Kenya that very soon, they will see the improvements that we intend to

put in place, so that all of them can reap from the new Government. But we need Kenyans' support. We do not need to be condemned every now and then. We also need to be supported, so that we feel we have people behind us, so that we can also support them. They are the people who supported us. I exhausted on the people who did not elect us. We hope we will be able to make that happen.

Mr. Deputy Speaker, Sir, soon or later, we will be looking into the coffee and tea sectors. But before we do that, I want to appeal to Kenyans to support us now because we will soon be supporting them in whatever endeavour they are engaged in. I am sure the Press and the members of the public will no longer condemn us, but will support us in this exercise. We should now conclude this matter.

With those few remarks, I support the Motion with all my heart, mind and might.

The Member for Lari (Mr. Kimathi): Mr. Deputy Speaker, Sir, my names are Mr. Viscount James Kimathi, the Member for Lari Constituency. I was elected against my friend, the former diplomat, Mr. Philip Gitonga, who is also my elder brother.

Mr. Deputy Speaker, Sir, I want to congratulate you together with Mr. Speaker on your election. I also want to take this opportunity to congratulate my colleagues who are supposed to be sitting on this side, but are now seated on the Government side. I fought very hard, thinking that I would be an hon. Member on the Government side. Unfortunately, KANU lost the elections. I want to take this opportunity to touch on the Presidential Address.

Mr. Deputy Speaker: Order, Mr. Kimathi! Please, look at the Motion we are debating upon. We are debating the Motion on the Report of the Tribunal.

The Member for Lari (Mr. Kimathi): Mr. Deputy Speaker, Sir, as you know, I am a new hon. Member of Parliament. Where I err a bit, you will excuse me because this is my first time to be elected to this august House. As time goes by, I will learn.

I want to touch on the issue of security. The issue was discussed---

Mr. Kajwang: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Mr. Kajwang! Please, sit down!

Mr. Kajwang: Mr. Deputy Speaker, Sir, I want to raise a different issue.

Mr. Deputy Speaker: Order, Mr. Kajwang! Mr. Kimathi, you said you were learning. You have said that you want to contribute to the debate on the Presidential Address. Debate on the Presidential Address was concluded yesterday. Now we are debating the Motion shown on the Order Paper. So, please, confine yourself to that Motion.

The Member for Lari (Mr. Kimathi): Mr. Deputy Speaker, Sir, I would like to touch on the financial Bill.

(Laughter)

Mr. Deputy Speaker: Order, Mr. Kimathi! Could someone, please, give the hon. Member a copy of the Order Paper?

The Member for Lari (Mr. Kimathi): Mr. Deputy Speaker, Sir, I am making my maiden speech and I need protection, so that I can contribute properly. I have understood the Motion we are debating on and I will confine myself to its contents. I want to support the Motion. I was late in the morning and I have just come in this afternoon. I want to touch on something which I know hon. Members would like to hear. I want to support the Report of the Tribunal. I have listened to the *Kiss* FM Radio Station, and many Kenyans have called to challenge hon. Members. Kenyans are complaining that we have just been elected to this House, and just after two months, we want to increase our remuneration. As hon. Mwenje has said, the Press should note that the Report of the Tribunal does not only talk about the hon. Members' remuneration, but also talks about the Constituency Fund, which is very important.

As one hon. Member has said here, the majority of the hon. Members were elected to this House due to their popularity and not because of their money. A number of the hon. Members who are being challenged, have come here to protect their wealth, some of which is ill-gotten. I must congratulate the Ninth Parliament, and the members of public for electing it. You will notice that there is a big difference between the Eighth and the Ninth Parliament. You will realise that the majority of the hon. Members of the Ninth Parliament are people who are popular and people of integrity, and not those who have money. The majority of the hon. Members from both sides of the House are not millionaires. They were elected to this House because they are suitable, qualified and popular. There is sanity on both sides of the House, in that the majority of the hon. Members of the House are above petty issues, and can communicate properly regardless of their political differences. When dealing with important issues

of the country, we should team up and work together as brothers and sisters.

I would like to say that for the first time, since Independence, every constituency will not be left behind in development. Through the constituency development funds, there will be equal distribution of resources, and even areas such as the North Eastern Province will get an equal share of our resources. Some areas of this nation are privileged because they grow a lot of cash crops and others are near towns. For example, from my constituency, we bring vegetables to Nairobi every morning. But I sympathise with people from the North Eastern Province and Turkana District who have a lot of problems. If the constituency development funds are distributed to every constituency, hon. Members of Parliament will be able to deliver to their people. In Turkana District and other areas, people are starving and the Constituency Development Fund will assist them.

I want to talk about the three arms of the Government, namely, the Executive, the Legislature and the Judiciary. Hon. Members will agree with me that for many years, Parliament has been suppressed. Parliament is supreme. This House represents 30 million Kenyans. The Speaker of the National Assembly has only one official car while the Chief Justice has ten official cars. The Head of the Executive has an unknown number of official cars. Our Speaker and the Deputy Speaker do not have any official cars. The Kshs585,000 proposed as the Speaker's salary is not enough. The Speaker, who is the head of the supreme House should be earning Kshs2.5 million. He is the head of the legislative arm of the Government. The Parliamentary Service Commission (PSC) should pay the Speaker of the National Assembly like the heads of the other arms of the Government; the Deputy Speaker should be paid like the Vice-President, the Clerk of the National Assembly like the Head of the Civil Service, and the other senior officers of the PSC should be paid like Permanent Secretaries (PSs).

The other day, the Speaker's car was shot at outside Nanyuki Town. This was a Mercedes Benz car which cannot be driven well on rough terrain. The Speaker should be provided with armed security guards and a fleet of not less than ten official cars like the heads of the other arms of the Government.

The other issue I would like to raise here is that when some officers of another organ of the Government come here, we respect them, but they do not respect us when we go to their places. I would like to ask this House, because we have our Parliamentary Service Commission, to ensure that we are independent and respected.

In Kikuyu, we say, "Do not dig a deep hole in the neighbourhood because you might fall in it". I think one of the hon. Members, now in NARC but was in the Opposition, then proposed that there should be supremacy of hon. Members of Parliament. He suggested that hon. Members should be issued with diplomatic passports so that they get diplomatic immunity when they travel out of the country, but we in KANU opposed that idea. You can now see the hole we dug. We are now in the Opposition.

(Laughter)

I always believe in a good neighbourhood. I am very grateful that the former Opposition parties which formed the Government are very accommodative and friendly, more than we were to them.

(Applause)

Whether I am on this side of the House or the other side, I want to be fair. The majority of the Members on the other side of the House are God-fearing and religious people and I believe that, they will not revenge because if they do that they will not be acting in the way of God. If we did something wrong to you, you should forgive us and we move together without any difference.

I would like to end my contribution by saying something about my constituency. This has been a very long journey for me. I want the Chair to put my name in the diary as a Member of the Ninth Parliament who has tried only second to Mahatma Gandhi. I have waited to be elected the Member for Lari for 35 or 38 years. I have never filed a petition to challenge the election of those who have been elected to represent the constituency here in Parliament. I contested the parliamentary seat with Mr. Kuria Kinyanjui and lost to him. Mr. Kinyanjui represented Lari Constituency for 15 years. After the 15 years were over, again, I contested for the seat with Mr. T. Mungai and lost. I waited for another ten years when Mr. Gitonga was my Member of Parliament. Those are 35 years. At long last I am here.

If you are travelling a distance of a million kilometres, you start with a first step. I started my first step 35 years ago and now I am here. I would like to inform the hon. Members of the Ninth Parliament that as you advance from standard one, two and three, you perform better. I would like to ask my brothers and sisters of the Ninth August House, who over 95 or 98 per cent of them are not only popular but suitable - they are all compliant - that we unite and make Kenya a country with a difference. Even though we are in the Opposition, we should not just oppose the Government for the sake of opposing it. We have to oppose the Government when there is need.

When the Government comes up with a Motion of national importance, and it will help me, my mother and you, all of us should come together and support it. Together we stand, and we shall build and make a better country for all of us to live in. Long live our Parliament; long live our Members!

Lastly, before my time is over, I would like to remind all hon. Members, the public gallery and other people in the country that there is medicine for HIV/AIDS and we do not have to spend a lot of money to cure it. Hon. Members, do you want to know the medicine?

Hon. Members: Yes!

The Member for Lari (Mr. Kimathi): Mr. Deputy Speaker, Sir, I have medicine for those people who have been infected and for those ones who have not been infected. For those who are Muslims, stick to your religion faithfully, and for those who are Christians, Jesus is the medicine.

(Laughter)

So, I would like people to be committed to their religion and they will not be infected with HIV/AIDS and they will not die.

Long live our Parliament and country.

Mr. Kajwang: On a point of order, Mr. Deputy Speaker, Sir. I was seeking your guidance because the Tribunal which went round the country and wrote this Report was appointed under the Constitution and under the Parliamentary Service Act. I thought that after doing their work, we really cannot add anything to it. What can we do about it? We cannot add what they have written in the Report. Maybe, we can only reject or amend some areas. But because there is no Motion on the Table for amendment, I do not see what we are arguing about. Our job should be to adopt or reject this Report and then we proceed to something else. So, after listening to the Mover, the Seconder and the other hon. Members who have spoken; and because we are not going to add anything to it, and because there is no Motion to subtract anything from it, could we proceed and move that we adopt or reject this Report?

(Applause)

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Kajwang, we wanted to close the debate and move that the Mover be called upon to reply, but under Standing Order No.80 the Chair considered that, that would be an infringement on the rights of hon. Members. I sympathise with that, but there are certain Members who want to speak. Therefore, at the moment, I will allow a few hon. Members to speak and then we will come to that.

The Member for Gachoka (Mr. J. Nyagah): Thank you, Mr. Deputy Speaker, Sir. I rise to thank the members of the Tribunal who went round the country collecting views on how our package should look like. I would like to thank distinguished people like former Chief Justice, Cockar, Ambassador, B. Kiplagat and D. Akumu - former trade unionist. It is my understanding that the biggest problem we had last time we increased our salaries was that we did it in this House and Kenyans were very angry with us. This is because we had broken the rules and decided to award ourselves what they call "hefty packages".

In this case, I would like to appeal to Kenyans for the very good arguments which have been put forward to be very understanding. Kenyans should understand that what is now in front of us is, in fact, as a result of visits to Embu, Nakuru, Mombasa and even Alego. Not only did the members of this Tribunal go round the country collecting views, but they also went round the world. They visited Commonwealth countries and non-Commonwealth countries. The effect of that is the Report which has been tabled here. I would like to appeal to Kenyans to sympathise with us. Please, Kenyans, understand our problems. You know this money is not mine, but it is ours.

(Applause)

Kenyans know very well that if I get an increase, I will share it with them. I will give school fees to some students, donate to pre-weddings parties and funerals. Please, Kenyans, be very sympathetic. We need to employ efficient public relations in this House. Do we have a Public Relations Officer?

Hon. Members: Yes!

The Member for Gachoka (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I would like to challenge our

public relations expert to communicate regularly so that we are understood. The biggest problem we have is that we are not understood. We are made to look like criminals.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir.

The Member for Gachoka (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I am making a maiden speech.

Mr. Deputy Speaker: Order, Mr. J. Nyagah. Mr. Angwenyi, what is your point of order?

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that the public does not understand us? Members of the public understand us. It is only the media, and mainly the *Daily Nation* which does not want to understand us. I took my payslip there and they did not want to understand me.

Mr. Deputy Speaker: Order, Mr. Angwenyi! That is not a point of order; that is a point of information! Proceed, Mr. J. Nyagah!

The Member for Gachoka (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, that is a good point of information.

When this Report was prepared, I had the honour and the privilege of being part of it because I was the Minister of State, Office of the President in charge of Personnel Management. I was involved in the making of the Report. We, in the then former Government looked at the budget very thoroughly. We looked at the figures very thoroughly and we made our recommendations, and I see they have been accepted fully in this Report. So, on behalf of the former Government, please, understand that this issue was very thoroughly thought of.

Mr. Deputy Speaker, Sir, the then Members of Parliament in this House wanted a salary of Kshs1 million per month. Since I had powers then, I recommended these figures, which were less than the Kshs1 million they wanted. It is important for Kenyans to understand. We had requested Kshs1 million per month for every Member, but in the wisdom of that Tribunal, it was decided not to award Kshs1 million but Kshs485,000 that has been referred to here. It is less than half of what the former Members of Parliament had been fighting for. That is why I emphasised this point to the Tribunal.

Mr. Deputy Speaker, Sir, I want it to be also understood that teachers and the police officers must be paid. That was a commitment that hon. Dr. Murungaru has expounded very clearly in the last few weeks. It is something that will happen, but we are not saying that by awarding ourselves a salary increment, we should therefore exclude teachers. No! Teachers and police officers must be paid. So, could the Kenya National Union of Teachers (KNUT), please, understand that. You will be paid. The same applies to nurses and so just allow us this time to be paid.

Mr. Deputy Speaker, Sir, when I was a big man in the former Government two months ago as a Minister, we increased salaries of senior Government officials like the those of the Judiciary and senior civil servants. We classified that as Phase One. That increase covered officers from Job Group "N". We said eventually we will increase the salaries of all the officers. I am sure that the NARC Government will increase the salaries of officers from Job Group "A" to "N". So, we are in a situation where the senior people like the Permanent Secretaries earn much more than us. So, their salary increments will come in phases. Senior civil servants and the officers from the Judiciary got their salary increments when I was a big man, and it is now the turn of Members of Parliament to get theirs. Tomorrow, it must be teachers, the police officers and others. I hope it is clear now because we have been misunderstood in the past.

Mr. Deputy Speaker, Sir, it is also important to understand that we need to look after our retiring Presidents, Vice-Presidents and Speakers. So, in this Report, we have catered for retiring Presidents, Vice-Presidents and Speakers. We must look after these people, whether you agreed with them when they were in office or not. However, we must recognise them because, in future, many of them will be poor men and women. We must not allow Mr. Kaparo in his retirement, to remain poor. We must give him a package that will, at least, sustain him at a level that is in keeping with a retired Speaker.

Mr. Deputy Speaker, Sir, this Report is very good because it addresses a few things that have been ignored in the past. In the past, nobody addressed the issue of the President, Speaker and the Vice-President. They were just left floating and it was not fair. It is not fair particularly in the future because, even the hon. Member for Alego Usonga, hon. Weyah, may become President as a poor man, and he should retire honourably as a President in the future.

Mr. Deputy Speaker, Sir, old Members of Parliament who have sacrificed a lot and suffered for this country live like paupers and beggars in the streets. It is only fair that we should not forget them. We should, at least, pay them once for the services they rendered in the past so that they can feel proud for having participated in the development of democracy. Democracy is a very expensive "animal" and that is what we are having to pay for this time round, and I hope Kenyans will understand what we are up to. So, a token amount should be paid to

former Members of Parliament like my father, in recognition of the services they rendered to this nation. There are very many others like him. I hope he will support the Report when it comes here. Mr. Deputy Speaker, Sir, Kenyans were very unhappy with us previously because we were earning a tax-free salary. They made a lot of noise. Now, we are going to pay tax according to this Report. So, we have addressed all the issues. Kenyans said that we must have an office where they can find us and we have one here, and we must have one at home. They said that they are tired of coming to our homes and they want us to have an office in the constituency with a personal assistant, where they can come and solve their problems, and that has been proposed in this Report. So, we have met all the conditions contained in that Report. That is what Kenyans wanted. So, I plead with our friends in the media to support us today. For a change, please, support us because you have now understood. We are in a very difficult position. We would like to serve Kenyans better, but it is difficult to serve Kenyans when we are poor.

With those few words, I wish to support this Report very fully and when the Bill comes, we will give it full support.

The Member for Magarini (Mr. Kombe): Thank you, Mr. Deputy Speaker, Sir. My name is Mwalimu Harry Kombe, the Member for Magarini from Shirikisho Party of Kenya. I am the only one representing that party.

Mr. Deputy Speaker, Sir, whereas I wish to support the Motion that we are about to adopt, I very strongly feel that if hon. Members are to be awarded the salary increases, we should also award the teachers and any other Government officers salary increases at the same time. Otherwise it is not in order for us to receive our salary increments when the teachers' proposed increments, spread over seven years, have not been implemented. It is, therefore, my noble request to the NARC Government not to honour the false promise made by the former regime that they were going to pay the teachers in July. I wish to request the NARC Government to take urgent measures and pay the teachers before July, preferably by the end of this month. They should award the teachers all their phased salary increments.

Mr. Deputy Speaker, Sir, I am saying this because I have been a teacher and I know how it pains. Some of the teachers are supporting over five students in secondary schools, and yet their gross salary, after deductions, comes to around Kshs8,000. This is far much below school fees for a student in a day-school.

Mr. Deputy Speaker, Sir, I wish to join my colleagues on the issue of salary increase for hon. Members. It will be in order if it is going to help hon. Members support their constituents in paying school fees for their sons and daughters. In my case, it is, indeed, unfortunate that, the Kshs395,000 is not anything much. The moment the money 'enters' my hands, it just gets finished before I realise that I had received Kshs395,000. Even the Kshs485,000 that is being proposed now is not enough, but as hon. Nyagah said, we have either to adopt or reject the proposal; there is nothing we are going to add on to the Report.

I wish to support the salary increase as proposed by the Tribunal. The proposal for the increase should be viewed as not coming from hon. Members, but from a third party, as it has already been said.

I know the media is already at hand here, and tomorrow, we will be hitting the headlines: "Members of Parliament increased their salaries". That will be the headline of the *Daily Nation* tomorrow.

With those few remarks, I beg to support.

The Minister for Finance (Mr. Mwiraria): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute.

Since this is my maiden speech in this Parliament, I want to start by thanking all hon. Members for conducting very peaceful elections, and particularly the former Government for the smooth transition that Kenya had.

(Applause)

Mr. Deputy Speaker, Sir, with regard to the debate before the House, there is not really very much that I want to say as Minister for Finance. I think we have all sat here and we have listened to the Mover of the Motion. For instance, he gave us facts that the Report which we have been called upon to approve was prepared by a Tribunal which was appointed during the last Parliament. On that Tribunal, there was not a single Member of Parliament.

(Applause)

Mr. Deputy Speaker, Sir, the second point is that, that Tribunal took the views of our constituents; they interviewed Kenyans to find out what they wanted their Members of Parliament to be paid. They visited countries

as far as India and our neighbours. They took into account the remunerations of other hon. Members around us. What conclusion did they come to? That, the Kenyan Members of Parliament are the most poorly paid in the region.

(Applause)

Mr. Deputy Speaker, Sir, the Tribunal is proposing increases which, given the economy as it stands today, and the very bad Budget deficits that we have inherited, maybe, it may appear to be too much. But during the few days I have been working as a Minister, I have brought one thing home. That is, I no longer have time to go home and meet my constituents. If I really want to do my job as a Minister, I need to spend much more time than I used to do as a Back-Bencher. How can I do this? It is only by having a constituency office.

(Applause)

Mr. Deputy Speaker, Sir, as a matter of fact, I have already established one, and I have hired somebody to man it. It is not because of anticipating the salary increase, but because if I want ever to go back to *wananachi* seeking re-election, they will ask me where I have been. So, I want to have some presence there, in one way or another.

(Applause)

Mr. Deputy Speaker, Sir, let me say that we are talking about salaries of hon. Members. But, as a Minister, we will have to look at the Budget and, perhaps, bring before this House a new Budget. There is one concern which I have, that, today, the Kenya Government appears to have no structure and policy for the review of salaries for civil servants.

Mr. Deputy Speaker, Sir, in the olden days, the Government used to appoint commissions which would be given terms of reference. Amongst those terms of reference was the fact that they had to compensate the civil servants for changes in the cost of living, inflation, *et cetera*. But during the last three years, there have been changes in salaries of civil servants. Permanent Secretaries had their salary increases approved by the Head of the Public Service. During this financial year, the teachers have been given house allowances which were not factored into the budget and which we approved in July. Judges were also given increases not related to the rest of the civil servants and parastatal chiefs. Honestly, I do not know how their salaries are determined.

With regard to teachers, we have had their problem for a very long time. Why am I making these points? It is really meant to tell the House that, sooner than later, the NARC Government is going to come to this House to seek approval of the House for a policy on salary reviews so that we are able to control our expenditure.

(Applause)

Mr. Deputy Speaker, Sir, let me give one little example. Around Christmas, the then Secretary to the Teachers Service Commission (TSC) decided to give his staff and the Commissioners of the TSC a "Christmas gift." He told them, "You have some salary increase and you will find it in your banks. Do not ask where it has come from." That is commitment of Government money which has not been approved or appropriated by Parliament! And the Constitution is very clear about Government money: We can only spend the money which this House has approved.

Mr. Deputy Speaker, Sir, I am just mentioning this because it relates to salaries. But having mentioned it, let me say that the NARC Government is going to operate under a Budget which was prepared by the KANU Government for six months. At the moment, we are preparing Supplementary Estimates, and quite honestly, the results I am getting are really worrying; almost depressing. The deficit which was expected to be Kshs32 billion is likely to be Kshs65 billion, even if we do our best to control it. The NARC Government is partly to blame for this increase. We offered the Kenyan people free primary education and we knew it would cost some money. It is going to cost Kshs2.8 billion for half a year. That is part of the increase. But what about the rest; the Kshs62 billion owed? It is partly as a result of this irresponsible expenditure.

Let me say that the figure I have mentioned of Kshs65 billion deficit does not include the money required to pay pending bills which have been worked out; Kshs16 billion. I want to say categorically that we cannot afford to borrow the Kshs65 billion domestically and survive. If we do that, we will be committing suicide because, already, at the level of the local borrowing we have, we are going to pay over Kshs33 billion in interest

rates alone this year. For all the foreign borrowing we have, we are only going to pay Kshs8 billion. Is it fair? If we borrow the additional, that figure will go much higher. What is even more critical, and we are borrowing at the rate of Kshs8 billion every week in Treasury Bills, is that if we do not change, we will completely cloud out the private enterprises in Kenya who want to borrow for the economic growth rate we are aspiring for.

Mr. Deputy Speaker, Sir, we have, as a party, promised the Kenyan people that we are going to turn the economy round and we will achieve a growth rate of above 6 per cent per annum. We have also promised that we will re-fashion the economy, and that we will generate, at least, 500,000 jobs per annum. This will not be possible unless and until we get affordable credit to our farmers, Juakali artisans, and even to the kiosk owners. We have a duty to do exactly that. I want to warn my colleagues that soon, I will bring a Bill to this House to establish micro-finance institutions, which we will use to finance those poor Kenyans. I look forward for your support.

Mr. Deputy Speaker, Sir, maybe, what I should be talking about is the Motion before the House. What I want to tell the House is that, as the Minister for Finance, I appreciate the way the work was done. I appreciate that our Parliamentarians need better pay than they are receiving at the moment. Although I cannot tell you where the money will come from, my view is that where I will get the money to finance other services, I will get money to finance the salaries from the same source!

Thank you, Mr. Speaker Sir.

Dr. Galgalo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I am at a disadvantage to be given a chance to speak after the Minister for Finance, who has background information and has given us the picture that faces him. He has given this Motion his support. One really needs not to say much because---

The Assistant Minister for Home Affairs (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir.

May the hon. Member on the Floor do the House a favour? If he thinks he is favoured by the Minister's speech, he should not repeat what the Minister has said!

Mr. Deputy Speaker: Order, Dr. Machage! You are doing the work of the Chair! If the Chair finds that there is repetition, there are Standing Orders that the Chair can apply! So, please, let Dr. Galgalo continue.

Dr. Galgalo: Mr. Deputy Speaker, Sir, let me take this opportunity, first of all, to thank the Members of the Tribunal for the manner in which they conducted their job. From what we have read in the Report, it was exhaustive and they did not leave anything to chance. They took their time, consulted widely and they came up with a document that is worthy of the time and money that was spent. I would also like to thank the Mover of this Motion, Mr. Oloo-Aringo, for not just taking an active role in bringing this Motion, but for his efforts and fight in making Parliament an independent institution. I am saying that because in my view, this Report can only be seen in two lines. One, it is a step towards making Parliament an institution free from influence from whatever quarters. We know that some Members of Parliament have been compromised by unscrupulous individuals who have been milking our economy, whenever they want the public to be put in the dark as to what they are doing and how they are stealing public funds---

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. While appreciating what my friend, the hon. Member is contributing, I think we have contributed enough and we are repeating what other hon. Members have said. I beg, therefore, to move that the Mover be now called upon to reply.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, let me thank all the hon. Members who have contributed and also all those Members who would have liked to contribute, but did not have the time. I think we have highlighted two things: That Kenyans have the right to know the salary and allowances of their President. This salary and allowances are earned from the Consolidated Fund which is a public fund. Therefore, it is wrong to tell their Kenyans that their President earns Kshs100,000 and contributes Kshs10 million per month towards *Harambees*. That is deceptive. That is why, for the first time, this report is addressing the income of the President of the Republic of Kenya. It is better that Kenyans know that their President earns Kshs2 million, and that we have a retirement package, for the President. This is important politically.

The cause of coups in Africa and elsewhere is because serving Presidents do not know that there will be life after being President. By telling the President that he has a retirement package you are also creating stability because he knows that when he retires, he will be looked after. In neighbouring Tanzania, for example, when

President Nyerere retired, the Tanzanians gave him a pension befitting his office and looked after him until his death. In Botswana, the President has retired and Kenyans went there during the anti-corruption meeting. It is the President who met them in his own pick-up. My good brother from Mumias has just told me that he was there. The former President for Botswana is so relaxed because he knows there is life after being President. He will not be persecuted and he will be given something to live on. He does not need to cause problems. It is when a President knows that he will be a pauper that he fights. He has the capacity to fight because he has been in power. We must prevent this mentality of being brought in by the ballot and being removed by the bullet. This is caused by the uncertainty and insecurity of retiring as a pauper.

We are now saying that there should be a retirement package for the President but on condition that the President who retires must be an elder statesman, accessible to all the people of Kenya and not a partisan politician. In this report, we have made it clear that we will bring the necessary regulation which states that a retired President who is partisan and takes part in the activities of a certain political party cannot access the package. When we do so, we do not expect a retired President to continue hanging on to the post of chairman of a political party. We want him to be an elder statesman so that all parties can consult him. This is an important addendum which you may not have seen here. In future, a retired President must be an elder statesman, above partisan politics and cannot, therefore, hold office in a political party and expect us to pay him for being partisan or brewing factional problems. This is a warning that those who still think that they will hang on to political parties will lose their retirement benefits. This provision is contained in this report and I will bring a Bill to support it. We should deny them this particular benefit. I really hope the House will support us, that we should make it difficult for retired Presidents to be partisan.

We want to see in the streets of Nairobi, three or four retired Presidents who are walking with us or having a cup of tea without bodyguards. President Nyerere used to cycle across on his bicycle to go and play *ajua*. It is my very favourite game. I also play it. Everybody knew that was Mwalimu Nyerere and people loved him. We must remove fear in our politics. We should not treat our people so badly that when we retire, we do not want to mix with them.

In Tanzania, for example, we have had five living Prime Ministers walking in the streets of Tanzania and behaving like ordinary Tanzanians. My brother, Osundwa, will tell you that they were surprised to find a former President of Botswana driving around his farm in a pick-up without bodyguards. This is the culture we are trying to create; a culture of respect for office. But those who hold office must also reciprocate. If a President brews so much problems like Mobutu did, who would respect him? If a President kills his own people like Habyarimana did, who would respect him? We must tell our leaders that how they will live after they retire depends also on them. We are ready to look after them, but they must also set a standard.

Secondly, it is equally important that this House recognises that even though we have started this reform for improving the institution of Parliament, we have just touched the tip of the iceberg. Parliament must move steadily on the way of reform. I am very pleased that the Constitutional Review Process is now back on course. We must not make another mistake which we made, by allowing President Kenyatta and flattering him that things were okay when they were not all right until he entrenched so many mistakes that they became part of the culture of our country. That is why we talk of the so-called "Kiambu Mafia". They were human beings. They surrounded the President and denied him access to the people of Kenya.

Mr. Deputy Speaker, Sir, then we had the "Rift Valley Mafia". Again, they surrounded President Moi and denied him access to the people of Kenya. President Moi did not know reality until his "project" collapsed. We must not also have "Mt. Kenya Mafia".

(Laughter)

We want a new Kenya in which we can talk and discuss freely with sincerity to each other. For example, the culture we are planting in this House today is a culture of a coalition Government. We have a coalition Government in place. A coalition means give and take. It means dialogue. It means that I respect your views and you respect my views, and let us meet somewhere in-between. Even the Opposition has already started to inculcate this culture of coalition Government. You must not be afraid of criticism if it is sincere and well meant.

We must recognise that this Parliament is a Parliament of a multiparty culture. We should remember that there will be parties in the Government and there will be parties in the Opposition. These together create a vibrant Parliament. Each one of us is important and has a role to play, and each one of us has a sacred duty to this country.

This wild talk about secession is stupid and childish. The people who engage in such talk should be rejected. Secession to what? Where will they secede to? Will they be like the Intarahamwe in Rwanda who led

their people to death 3,000 miles outside their country because of their stupidity? So, do not tell us this type of stupidity. I want to say it very clearly that those who think in those terms are brewing problems. They want to plunge this country into war. They know they will run away because they cannot win. They were very happy to rule Kenya as it was; one Kenya. They must be happy to bequeath that Kenya to posterity and not to intimidate the rest of Kenyans. Let them not say this again because we have the mandate to say what we are saying. We were given the mandate to form the Government for the whole of Kenya, and govern we will, without fear or favour.

I want this Parliament to proceed and establish constituency offices for Members of Parliament, so that we can serve our people better, enact a legislation to create the constituencies development fund for the benefit of the people we represent, and amend the necessary Standing Orders, so that we can bring here Bills and Motions supported by this Parliament. The Standing Orders should be amended so that Bills and Motions brought here by hon. Members become law; the Parliamentary Service Commission should support our efforts to initiate legislation and policy, because that is part of our core function as a Member of Parliament.

Mr. Deputy Speaker, Sir, I could go on and on. However, I have read the mood of the House and realised that hon. Members want to change the distortion of the role of Parliament and Members of Parliament. We are not money mongers, and we must not be turned into money mongers. We are here to initiate policy and supervise the Government. We are the *nyapara* of the Government. I pray that the House approves the recommendations contained in this Report. However, such an approval alone is not enough authority to pay Members of Parliament the new salary.

I am glad that the Minister for Justice and Constitutional Affairs is here. He is a very progressive person who is now unearthing all the hidden skeletons in our system. We knew from the start that he would do a great job. He can expedite the adoption of this Report by bringing in amendments to the National Assembly Remuneration Act, which is the legislative authority that can turn the salaries and allowances proposed in this Report into payable emoluments. So, the next step is to amend the National Assembly Remuneration Act, which will make the allowances that have been proposed both in this Report as well as in the Recommendations of the Parliamentary Service Commission, legally payable to hon. Members.

Mr. Deputy Speaker, Sir, I want to thank hon. Members for the support they have given the Parliamentary Service Commission. The Commission is your servant; it is there to work for you. We listen attentively to what you say. We will make sure that we create an environment in which you can work. We have not yet furnished your offices or created your constituency offices. However, we have already made an effort to create research capacity. We are going to improve the library and the resource centre, and ensure that you all have computers, so that you can access the internet and electronic mail services, because at this day and age, an hon. Member who cannot access electronic mail and internet services cannot cope with this modern age of information technology. We are going to give you computer lessons.

An hon. Member: Are you computer literate yourself?

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I still go to school every evening. I am suggesting that we provide classes for hon. Members who want to be computer literate. We have started that class; we are going to improve on that, so that any hon. Member who wants to be computer literate can attend classes.

With those few remarks, I beg to move.

(Question put and agreed to)

POINT OF ORDER

DEFERMENT OF SECOND READING:
THE PUBLIC OFFICER ETHICS BILL

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. If I remember well, this Bill was only committed to the relevant Departmental Committee of the House the other day, but the relevant Committee was only formed today. So, in my opinion, we cannot proceed to debate this Bill until we receive a report from the relevant Departmental Committee of the House.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, we are caught in a fairly awkward situation because, when the Bill was referred to the relevant Departmental Committee, there was no Committee in existence; the Committee was only formed today. As far as I know, there is no other business scheduled for this House today and tomorrow because it was presumed that debate on this Bill will proceed.

Mr. Deputy Speaker, Sir, the House will recall that this Bill went through all the Reading Stages during the last Parliament, just before the last General Elections. The only problem was that the elections were called before the President assented to this Bill. We have not changed a comma or a full stop as far as this Bill is concerned. It is exactly the same Bill which had been considered by the relevant Departmental Committee in the last Parliament, and it is the same Bill which we have reintroduced. In view of these circumstances, I would request the Chair to allow us to move the Bill for the Second Reading, and when the Departmental Committee is ready with the report, then they can present it as the debate progresses. Otherwise, the House will find itself in a very awkward position. That is my plea.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. In the Ninth Parliament, we swore to follow the laws correctly. We also said that we want to empower this Parliament. We do not want to carry the luggage of the previous Government. We want the NARC Government to be what it says it wants to be and what we would like it to be; that it follows the laws. Let us commit this Bill today to the relevant Departmental Committee. We would like to start from a clean slate, so that we can do our work cleanly.

Mr. Oloo-Aringo: Mr. Speaker, Sir, I have great respect for the Minister for Justice and Constitutional Affairs, but I do not want us to start breaking the rules now. That would be a bad precedent. I think it is important that we stick to the rules. This particular Bill should be committed to the relevant Departmental Committee so that it can scrutinise it and bring it back to the House. What is the hurry? Is there no other business we can do while we are waiting for the report of the Committee, because these procedures of ours have a purpose. The difference between talking in a market place and here is that in a market place you do not make a decision, but here we come to make decisions, and decisions follow certain procedure. It is that procedure that makes them into law. Without the procedure, there is no law. I am a stickler for rules, and I would beg that we postpone debate on this Bill until we get the report of the Committee.

Mr. Shitanda: Mr. Deputy Speaker, Sir, in as much as we want to sympathise with the Minister over this Bill, I hope it is not being rushed because of the donor community. We had a lot of problems in the last Parliament about Bills and the donor community. We are not going to tie the functions of Parliament to the whims of the donors. This Bill was committed to the relevant Departmental Committee of the House. It should, therefore, be taken back to the Committee so that the Committee can bring a report to this House, and then we can proceed and discuss it.

Dr. Galgallo: Mr. Deputy Speaker, Sir, this Parliament is totally different from the Eighth Parliament. Two-thirds of the hon. Members of this House are new and are not privy to what the last Parliament did. The Ninth Parliament should have its own legislative agenda. We should not carry over anything from the last Parliament. The National Rainbow Coalition (NARC) Government should work out its own legislative agenda and bring it to this House.

Mr. Deputy Speaker: Order! Dr. Galgallo, I think you are on a different wavelength. The Minister's sentiments are very well appreciated. It is true that when this particular Bill was referred to the relevant Departmental Committee, the Committee did not exist. It is only today that Committees were formed. I think there is still a way through which we can exempt the Bill from the referral procedure; we can do it through a Motion. The Motion could be brought to the House tomorrow.

I understand that the Bill may take long if there is no other business to be transacted. I am informed that there may not be other business other than the Bills which were committed to the relevant Committees last time. But be that as it may, I want to defer my decision on this matter. We will not, therefore, continue discussing it now. I will, therefore, adjourn the House. Tomorrow, we will see whether we will have a Motion to exempt the Bill from the procedure of being referred to the Departmental Committee, if it is considered that it will take too long to wait for Committee deliberations on it. That is something that will be decided upon later today. For now, I would like to adjourn the House seven minutes before the normal adjournment time because of what I have said.

(Second Reading deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 6th March, 2003, at 2.30 p.m.

The House rose at 6.23 p.m.